

29 AUGUST 1947

I N D E X  
Of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
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1 Friday, 29 August 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE I. M. ZARYANOV,  
15 Member from the USSR., not sitting from 0930 to 1600;  
16 HONORABLE JUSTICE E. H. NORTHCROFT, Member from the  
17 Dominion of New Zealand and HONORABLE JUSTICE LORD  
18 PATRICK, Member from the United Kingdom of Great  
19 Britain, not sitting from 1330 to 1600.

20 For the Prosecution Section, same as before.

21 For the Defense Section, same as before.

22 - - -

23 (English to Japanese and Japanese  
24 to English interpretation was made by the  
25 Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Colonel Mornane.

4 S H U N - I C H I M A T S U M O T O, resumed the  
5 stand and testified through Japanese interpreters  
6 as follows:

7 COLONEL MORNANE: The prosecution does not  
8 wish to cross-examine this witness, if the Tribunal  
9 please.

10 THE PRESIDENT: I have some questions on be-  
11 half of a Member of the Tribunal. They relate to matters  
12 of prisoners of war and civilian internees in the theatre  
13 of operations under the charge and control of the Army  
14 and Navy.

15 It appears that civilians of enemy countries  
16 interned in Japan were under the control of the Home  
17 Ministry. Those in Formosa, Korea, Sakhalin and other  
18 overseas territories were under the control of the  
19 Ministry of Overseas Affairs.

20 BY THE PRESIDENT:

21 Q What law provided for that?

22 A Internees were under the jurisdiction of the  
23 Minister of Home Affairs in so far as Japan Proper was  
24 concerned from the standpoint of police control. Foreign  
25 internees in such territories as Korea and Taiwan or



1 Formosa were placed under the jurisdiction of the  
2 Minister for Overseas Affairs, because the adminis-  
3 tration of such territories was under the jurisdiction  
4 of his ministry.

5 Q According to Japanese law, who were in charge  
6 of prisoners of war interned in Japan Proper?

7 A Prisoners of war in Japan Proper were under  
8 the jurisdiction of the Minister for War.

9 Q And who were in charge of prisoners of war and  
10 civilian internees in Manchuria?

11 A Under the jurisdiction of the Government of  
12 Manchukuo.

13 Q Who were in charge of prisoners of war in over-  
14 seas countries like Formosa?

15 A They were under the jurisdiction of the military  
16 authorities in the respective areas and they consequently  
17 would come under the jurisdiction of the War Minister.

18 Q How was the liaison business with foreign  
19 countries carried out after the 1st of November, 1942?

20 A After November, 1942, all matters relating to  
21 prisoners of war and civilian internees were handled  
22 within the Foreign Office by the office handling matters  
23 relating to foreign residents with the protecting powers.

24 Q What do you mean by the relations between the  
25 provisions of domestic law and those of the Geneva

1 Convention?

2 A With respect to the Geneva Convention of  
3 1929, when the question arose in Japan as to the  
4 ratification of that convention, it was found that in  
5 the light of some of the provisions of the Geneva  
6 Convention certain aspects of Japanese domestic law,  
7 prison law, the Army and Naval penal code and court  
8 martial laws would have to be revised, otherwise it  
9 would be impossible to ratify the convention. And that  
10 is what I pointed out when I spoke of the relationship  
11 between the Geneva Convention and Japanese domestic law.  
12

13 THE PRESIDENT: Yes.

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## REDIRECT EXAMINATION

BY MR. FREEMAN:

Q Mr. Witness, was the Minister for Home Affairs in control of the police for Japan Proper?

A Yes.

Q Was not the Minister for Home Affairs therefore in charge of control of the POWs held in Japan Proper?

A Prisoners of war were under the jurisdiction of the War Minister.

MR. FREEMAN: May the witness be excused?

BY THE PRESIDENT:

Q Do you know under whose jurisdiction the Kempeitai came in Japan and in the occupied territories?

A I do know that the jurisdiction over the Kempeitai in Japan Proper is in the hands of the War Minister, but I do not know in whose jurisdiction the control of the Kempeitai is in outside territories.

Q Do you know that it is not under the War Ministry in occupied territories, or was not?

A I regret very much, but I do not know which is which because I do not know wherein the jurisdiction lay.

THE PRESIDENT: He is excused on the usual terms.

(Whereupon, the witness was excused.)

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: Mr. President and Members of  
3 the Tribunal:

4 A few days ago following the cross-examination  
5 of one of the witnesses an inquiry was made by one of  
6 the counsel for the defense as to the source of certain  
7 information used as the basis of the cross-examination.  
8 The Tribunal, however, ruled that there need be no  
9 disclosure until and if the evidence was tendered. For  
10 some time past it has been no secret that the prosecution  
11 has had available to it the memoirs of Prince SAIONJI,  
12 the last of the Genro and Baron Kumao HARADA, his  
13 confidential secretary, both now dead; and it probably  
14 may be no secret that the prosecution has used it to a  
15 certain extent as a basis of cross-examination.  
16

17 This document and its translation were not  
18 available for use at any time during the prosecution's  
19 presentation of its case.

20 Since the document may contain data of great  
21 importance to this Tribunal and may therefore be of  
22 assistance to the Tribunal, and since the document is  
23 quite lengthy containing thousands of pages, to avoid  
24 any possible delay that might arise if the document is  
25 made available for the first time at a later stage,  
the prosecution having been requested by defense counsel



1 to make the same available is willing to make the  
2 translation available at the present time to the  
3 defense before the individual defenses begin.

4 Accordingly, if the Tribunal will permit,  
5 the prosecution will file with the Clerk of this  
6 Tribunal a full copy of the English translation for  
7 use by all the accused in such manner as their counsel  
8 may see fit.

9 THE PRESIDENT: The Bench can have no objection  
10 to that course. Anything that makes for fairness to the  
11 accused must have the full approval of the Bench.

12 Mr. Furness.

13 MR. FURNESS: May it please the Tribunal, we  
14 will be very glad to get the English translation, but  
15 we would also like to see the Japanese original.

16 The diary of Baron HARADA, I understand, is  
17 very difficult to translate and there may be many con-  
18 troversies on the accuracy of the translation. We also  
19 consulted the Japanese counsel for each defendant who  
20 are of equal standing as the ones who read the English  
21 translation and the basic documents are both definitely  
22 Japanese.

23 THE PRESIDENT: Mr. Tavenner.

24 MR. TAVENNER: A photostatic copy of the  
25 original will be made available. I should point out

1 that the official document is the English translation.

2 THE PRESIDENT: What do you mean when you  
3 obtained this document from Japanese sources it was in  
4 English?

5 MR. TAVENNER: The document was translated  
6 by SCAP and is an official record of SCAP.

7 THE PRESIDENT: Not official Japanese, but  
8 official as far as the Supreme Commander is concerned.

9 MR. FURNESS: If your Honor please, it is quite  
10 obvious that both Baron HARADA and Prince SAIONJI spoke  
11 and thought in Japanese and regardless of what SCAP  
12 thought, it seems to me that the basic official document  
13 is in Japanese.

14 THE PRESIDENT: You will have a photostat  
15 copy of the original which is the official Japanese  
16 copy perhaps.

17 Mr. Freeman.

18 MR. FREEMAN: If the Tribunal please, I next  
19 call the witness KUDO, whose affidavit is defense  
20 document 2233.  
21

22 - - - -  
23  
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25



1 T A D A O K U D O, called as a witness on behalf  
2 of the defense, being first duly sworn, testified  
3 through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. FREEMAN:

6 Q Mr. KUDO, will you give us your full name  
7 and address.

8 A My name is KUDO, Tadao; and at present I  
9 reside at 160, Sakanoshita, Kanakura.

10 MR. FREEMAN: May the witness be shown  
11 defense document 2233.

12 Q Is that your affidavit and have you signed it?

13 A Yes.

14 Q Are the contents therein true?

15 A Yes.

16 MR. FREEMAN: I offer in evidence defense  
17 document No. 2233.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 2233  
20 will receive exhibit No. 3040.

21 (Whereupon, the document above  
22 referred to was marked defense exhibit  
23 No. 3040 and received in evidence.)

24 MR. FREEMAN: I now read exhibit 3040:

25 "1. I entered the Foreign Ministry in

1 June 1924, and was the Chief of the Third Section  
2 of the Bureau of Treaties from 8 January to 31  
3 October 1942. The said section was in charge chiefly  
4 of the business concerning international cooperation  
5 including international conferences, international  
6 treaties, etc. When I was the Chief of the said  
7 section, the contact of the Foreign Ministry with  
8 foreign countries in connection with prisoners of  
9 war and civilian internees was transacted chiefly in  
10 my section.

11 "2. It was the desire of my superiors that  
12 prisoners of war and internees be treated as leniently  
13 as possible in order to lessen their difficulties from  
14 the standpoint of justice and humanity, to say nothing  
15 of the observance of the stipulations of the treaties  
16 to which Japan was a party. We officials of the  
17 Foreign Ministry, although we had no authority actually  
18 to deal with the matters, exerted our utmost efforts  
19 to see the realization of the desire entertained by  
20 the Foreign Minister and other superiors.

21 "3. The Foreign Ministry received inquiries  
22 and protests from the diplomatic representatives of  
23 Switzerland or Argentina acting on behalf of the  
24 United States of America or Great Britain respectively  
25 in connection with the treatment of prisoners of war



1 and internees, and we transmitted these representa-  
2 tions to the authorities concerned without delay,  
3 and on the receipt of the opinions or information  
4 from them never failed in transmitting them without  
5 delay to the countries concerned.

6 "Generally speaking, when I was in charge  
7 of these matters, the treatment being fairly good,  
8 if not ideal, we received few complaints or protests  
9 from any country in connection with the treatment of  
10 prisoners or internees in Japan proper. Probably it  
11 was partly due to the fact that the war was still in  
12 its earlier stages and food and clothing were not  
13 so scanty as in the latter stages. As to the treat-  
14 ment of prisoners and internees in the occupied  
15 territories we received some protests, but receiving  
16 replies from the authorities concerned to the effect  
17 that they were receiving fair and equitable treat-  
18 ment, and having no means of directly investigating  
19 them ourselves, we could only believe what was  
20 reported in these replies.

21  
22 "At any rate, we endeavored earnestly and  
23 sincerely to alleviate the difficulties of the  
24 prisoners and internees as far as possible. Here  
25 are some instances which were dealt with by the  
Foreign Ministry when I was in the Bureau of Treaties.

1 "A) Visits to the internment camps.

2 "The International Red Cross Committee at  
3 Geneva requested in the middle of February 1942, that  
4 the delegates of the Committee be allowed to visit  
5 the internment camps. The Bureau of Treaties con-  
6 veyed the request to the competent officials of the  
7 War Ministry, as well as other ministries concerned,  
8 and strove for its realization. As the result of  
9 this effort, the visits of the delegates of the  
10 International Red Cross Committee were realized as  
11 mentioned hereunder:

12 "(a) Camps for prisoners of war.

13 "ZENTSUJI - on 12 March 1942.

14 "TOKYO - on 21 August 1942.

15 "HONG KONG - towards end of May 1942.

16 "SHANGHAI - on 18 August 1942.

17 "(b) Camps for civilian internees.

18 "SUMIRE GAKUIN, Tokyo - on 16 May 1942.

19 "YOKOHAMA - on 30 May 1942.

20 "SHIROYAMA, Nagasaki - on 11 June 1942.

21 "MIYOSHI, Hiroshima - on 13 June 1942.

22 "KOBE - on 15 June 1942.

23 "SENDAI - on 19 June 1942.

24 "HONG KONG - towards end of May 1942.

25 "I recall also that the members of the Swiss

1 Legation and Consulate visited various camps on  
2 several occasions, although I do not remember the  
3 details at present. The above list is a list of the  
4 Red Cross visits in my time, but I understand that  
5 visits by the delegates of the International Red  
6 Cross Committee as well as of the countries protect-  
7 ing the interests of the belligerent countries were  
8 made from time to time thereafter.

9 "In connection with these activities of  
10 the delegates of the International Red Cross Com-  
11 mittee, the Railway Ministry issued free ticket and  
12 rendered various other facilities in accordance with  
13 our request.

14 "Visits to the internment camps in the  
15 occupied territories, however, were not permitted by  
16 the military authorities concerned when I was in that  
17 office, for the reasons that those regions constituted  
18 the theater of operations.

19 "B) Treatment of prisoners of war and  
20 civilian internees in Japan.

21 "We requested the authorities concerned to  
22 accord as lenient treatment as possible to the  
23 prisoners and internees, and we were always told by  
24 them that the treatment was good and equitable. In  
25 fact, the delegates of the International Red Cross



1 Committee, after visiting various camps as mentioned  
2 above, reported that the conditions there were 'good,'  
3 'favorable,' or 'excellent,' as shown by the defense  
4 document No. 2009.

5 "The Foreign Minister, Mr. TOGO, informed  
6 the Swiss Minister of the ration of food being sup-  
7 plied to the internees in Japan, on 13 February 1942  
8 (exhibit 1491) as an instance that the internees  
9 were receiving food better than those of the Japanese  
10 in general. It was the statement of the condition  
11 actually being accorded at that time, not a commit-  
12 ment for the future.

13 "C) Treatment of prisoners of war and  
14 civilian internees in the occupied territories.

15 "The Foreign Ministry had little knowledge  
16 concerning the condition of the prisoners and in-  
17 ternees outside of Japan. When we received an in-  
18 quiry or protest about this matter, we transmitted it  
19 without delay to the authorities concerned, requesting  
20 them to supply us necessary information, and on the  
21 receipt of the reply from them, we transmitted it im-  
22 mediately to the countries concerned. I recall that  
23 communications of this nature were made on the condi-  
24 tions of prisoners of war and internees in Guam, Wake  
25 Island, and the Philippines. The information we

1 received at that time on these questions was  
2 promptly transmitted to the countries concerned.  
3 The Foreign Ministry, having no means of investiga-  
4 tion, had to rely upon the information supplied by  
5 them and could not do anything further than draw-  
6 ing the attention of the authorities concerned to  
7 the necessity of according fair and equitable treat-  
8 ment to the prisoners and internees of enemy coun-  
9 tries, especially taking into consideration the  
10 residence of Japanese in enemy countries.

11 "Such being the circumstances, nothing was  
12 known to us with respect to the ill-treatment of  
13 prisoners of war or internees in the occupied areas  
14 unless we were informed by the military or naval  
15 authorities concerned or by the adversary belligerent  
16 countries. As to the prisoners and internees on Wake  
17 Island, we received some inquiries from the Swiss  
18 Minister in Tokyo in the beginning of 1942, but  
19 they were inquiries about conditions and not protests  
20 or complaints, and we did not fail in transmitting  
21 them to the authorities concerned, and upon receipt  
22 of reply from them, we immediately sent the informa-  
23 tion obtained at that time to the Swiss Minister, as  
24 shown in exhibit 2034, and a further communication was  
25 made to him on 10 August (exhibit 2040). It was not



1 known to us at all that ill-treatment was carried  
2 out there as testified by Mr. Stewart on 10 January  
3 1947. The so-called 'Death March of Bataan' was  
4 also a matter unknown to us in those days. As for  
5 the Thai-Burma Railway, the matter being exclusively  
6 the army's concern, we did not hear of any plan for  
7 its construction, much less of the employment of  
8 prisoners in its construction, when I was in the  
9 Bureau of Treaties.

10 "D) Relief of prisoners and internees.

11 "Early in 1942, the British Government  
12 made a proposal to send a Red Cross ship from Australia  
13 to bring relief goods to the prisoners and internees  
14 at Hong Kong and Singapore. The United States Red  
15 Cross also made a similar proposal for the benefit of  
16 the American prisoners and civilian internees at  
17 various places in East Asia. The Foreign Ministry  
18 approached the Navy on this matter, but they main-  
19 tained that the safety of navigation of the ship  
20 could not be guaranteed in the light of the war  
21 situation in the southwestern Pacific. Thereupon,  
22 we exerted ourselves, with success, to receive food,  
23 medicine, and other relief goods, taking advantage of  
24 the voyages for the exchange of diplomats and some  
25 civilians, which were then being arranged between



1 Japan and the United States of America and Great  
2 Britain. The Asama-maru, the Tatsuta-maru, the  
3 Kamakura-maru transported the relief goods of about  
4 4,500 tons in total, and these relief goods were  
5 distributed to the prisoners and internees through  
6 the delegates of the International Red Cross  
7 Committee in Japan, at Shanghai and Hong Kong, and  
8 through the competent official at Singapore and  
9 Manilla where no such delegates are stationed.

10 "E) Exchange of information concerning  
11 prisoners of war and civil internees.

12 "On 9 December 1941, the International Red  
13 Cross Committee at Geneva notified the Japanese  
14 Government that the Central Bureau for the Informa-  
15 tion of Prisoners of War of the Committee would act  
16 as an intermediary for information concerning prisoners  
17 of war and civilians under detention of both bellig-  
18 erent powers, and requested cooperation on the part  
19 of the Japanese Government. The Foreign Minister  
20 notified the Committee of our compliance. From that  
21 time onward, we exerted our efforts, always in concert  
22 with the competent authorities of the Prisoners-of-War  
23 Information Bureau, the Home Ministry, the Communica-  
24 tions Ministry, etc., to offer all information ob-  
25 tainable to the Central Bureau at Geneva as quickly

1 as possible.

2 "In this connection, we further rendered  
3 our services so that similar information might be  
4 supplied to the representatives of Switzerland and  
5 Argentina, then acting as protecting powers on be-  
6 half of the United States of America and Great  
7 Britain, respectively. In some cases delay in  
8 supplying information took place, but it was said  
9 to us by the authorities concerned that it was owing  
10 to the difficult conditions prevailing in the areas  
11 of military operations and to the difficulties of  
12 communication with the remote regions, and not to  
13 their bad faith.

14 "I wish also to add that the Foreign Ministry  
15 informed the Swiss Minister that 'Regarding the  
16 American civilian internees, we are ready to reply  
17 to every individual inquiry after the fullest possible  
18 investigation,' and requested him to supply us the  
19 names of persons of whom information was required  
20 (exhibit 2040). This suggestion was made in order  
21 to conform more fully with the desires of those  
22 concerned in expediting the investigation by the  
23 authorities concerned."

24  
25 If the Court please, the first paragraph on  
page 4 should have as a reference defense document 2277.

THE PRESIDENT: Colonel Mornane.

CROSS-EXAMINATION

BY COLONEL MORNANE:

Q Witness, I take it you ceased to have any connection with these matters on the 31st of October, 1942?

A Yes, that is so.

Q Well, now, with regard to complaints received prior to that time, to what ministries, or other offices did you send them?

A Such matters were referred to the Second Section of the Bureau of Treaties, and from that section it was transmitted to the office handling matters relating to Japanese nationals in enemy countries presided over by Minister SUZUKI.

Q You would not send them direct to the War Ministry from the Foreign Office?

A No.

Q Have you any knowledge of how Minister SUZUKI dealt with them?

A He handled quite a good deal of business, but I do not know the extent.

Q But, have you any knowledge as to what particular ministries he would send the complaint?

A I do not know, because when I was transferred



1 to Mr. SUZUKI's office, I had no connections with such  
2 matters.

3 Q Well, now --

4 A I do not know what happened to any document  
5 after it left my office and reached Mr. SUZUKI's office.

6 Q Well, therefore, on page 1 of your affidavit,  
7 when you said, "receiving replies from the authorities  
8 concerned," you mean receiving replies from Minister  
9 SUZUKI's department?

10 A No, not so. With regard to prisoners of war,  
11 they were received from the Prisoner of War Information  
12 Bureau, and with regard to civilian internees, from  
13 the Ministry of Home Affairs and the Ministry for  
14 Overseas Affairs.

15 Q Does that mean that although you didn't make  
16 the request direct to these people but made your  
17 request through SUZUKI, the Prisoner of War Information  
18 Bureau and other concerned bureaus replied directly to  
19 the Foreign Office and not through SUZUKI?  
20

21 A Not so. Minister SUZUKI's office had not  
22 been created when I was still in office.

23 THE PRESIDENT: Is that the accused SUZUKI?

24 THE WITNESS: I am referring to Mr. SUZUKI  
25 with the status of Minister Plenipotentiary, who is  
now Director of the Central Liaison Office of Yokohama.

1 Q When you were in office, to whom were the  
2 complaints sent?

3 A Complaints were addressed to the Minister of  
4 Foreign Affairs by the representative of the protecting  
5 power, but there were only a very few such complaints.

6 Q When the Minister of Foreign Affairs re-  
7 ceived those complaints, where did he send them to  
8 have them investigated?

9 A After their receipt, they were sent to the  
10 departme : of the government concerned, namely, the  
11 Prisoner of War Information Bureau. I do not think  
12 there were any protests regarding civilian internees.

13 THE PRESIDENT: How do you know the treat-  
14 ment was fairly good, if not ideal, in your time?

15 THE WITNESS: That was what was reported to  
16 me and told me frequently by officers in charge,  
17 and at the same time the circumstances in those days  
18 with regard to food were very good, and in talking with  
19 Red Cross representatives, I never heard that the con-  
20 ditions were bad.

21 Q Do I understand you right that you sent those  
22 complaints direct from the Foreign Office to the  
23 Prisoner of War Control Bureau, or did you send  
24 them through the War Ministry?

25 MR. FREEMAN: If the Tribunal please, he



1 answered, "Prisoner of War Information Bureau." They  
2 are two distinct things. That is outside of the War  
3 Ministry.

4 A I think, when the matters were not important,  
5 most of them, I think, were sent to the Prisoner of  
6 War Information Bureau.

7 Q And, when they were important, where did you  
8 send them?

9 A I think important matters were referred to  
10 the Vice-Minister for War, but I do not remember con-  
11 cretely what kind of messages were sent.

12 THE PRESIDENT: Can't he give us something  
13 more definite than, "important matters," and, "matters  
14 that were not important?" What does he mean?

15 Q What did you regard as important matters?

16 A I have no definite recollection of them now.

17 Q While you were in office, was anything sent  
18 to the Vice-Minister of War?

19 A I think that there were, but I do not remember.

20 Q With regard to the information sought re  
21 Guam Island -- Wake Island, was that sent to the  
22 Prisoner of War Information Bureau or to the Vice-  
23 Minister of War?

24 A I think it was sent to the Prisoner of War  
25 Information Bureau. I think it was sent to that bureau



because this was only a request for information.

1 Q And, under whose ministry was the Prisoner of  
2 War Information Bureau?

3 A I think it was under the jurisdiction of the  
4 War Ministry.

5 Q Well, now, coming to the visit of the Red  
6 Cross to the camps of civilian internees, in the  
7 camps you have mentioned in your evidence that the  
8 people held there included those who were exchanged  
9 on the diplomatic ships in 1942.  
10

11 A I do not remember clearly.

12 Q Do you remember when the exchange ships left?

13 A I do not remember the month, but I think it  
14 was around June, but my memory is not exact on this  
15 point.

16 Q With regard to the International Red Cross  
17 visit to Hong Kong toward the end of May, 1942,  
18 what do you base that statement on?

19 A This was based on what I received from the  
20 Prisoner of War Information Bureau in reply to an in-  
21 quiry made by me.

22 Q Made recently or made at the time?

23 A Recently.

24 Q Recently?

25 A Yes.

1 Q That is, you did not hear of it in '42?

2 A No, I did not.

3 Q And, you don't know whether the information  
4 supplied to you by the Prisoner of War Information  
5 Bureau recently is correct or not?

6 A May I state that I heard of this visit by the  
7 Red Cross to Hong Kong while I was still in the office  
8 of the Bureau of Treaties and again recently from the  
9 Prisoner of War Information Bureau.

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1 Q Did the Red Cross tell you of the conditions  
2 existing at Argyle Street Camp in Hong Kong?

3 A Yes, rather briefly from the Red Cross  
4 representative in Tokyo in a conversation with him.  
5 But at that time I did not hear from him that the con-  
6 ditions were bad.

7 Q Did he tell you the food was inadequate?

8 A I did not hear from him with regard to such  
9 matters.

10 THE PRESIDENT: Did you recently consult  
11 the Prisoners of War Information Bureau records?

12 THE WITNESS: No, not the records.

13 Q With regard to all of these matters you  
14 have deposed to with regard to prisoners of war camps  
15 and civilian internees camps, you have recently  
16 received information from the Prisoner of War Infor-  
17 mation Bureau?

18 A With regard to civilian internees, my depo-  
19 sition was based upon my memory, and also I used as  
20 reference a publication published by the International  
21 Red Cross Committee which contained various facts  
22 quite clearly.

23 Q And with regard to prisoners of war?

24 A With regard to prisoners of war camps I also  
25 obtained them from the International Red Cross .



1 Committee; such, for instance, as the report pub-  
2 lished in the organ of that committee regarding the  
3 visit made to the camp at Zentsuji on March 12.

4 Q But with regard to Hong Kong you did not  
5 get that from any Red Cross report?

6 A No.

7 Q Now, you say that you understand the visits  
8 by the delegates of the International Red Cross Com-  
9 mittee were made from time to time after you went  
10 out of office. On what is that understanding based?

11 A I heard these from time to time during the  
12 war from friends of mine who were employed by the  
13 International Red Cross Committee.

14 Q They were Japanese?

15 A Swiss.

16 Q Did you also hear from them that they had great  
17 difficulty in visiting many camps?

18 A No.

19 Q Did you hear from them that they were not  
20 allowed to visit certain camps?

21 A No.

22 Q Who were these Swiss?

23 A I met Mr. Pestalozzi and Mr. Billfinger, both  
24 of the International Red Cross Committee.

25 Q Well, now, what was your practice when there

1 was any delay in receiving a reply to your inquiries  
2 as to conditions of prisoners of war?

3 A When replies were delayed, I recall that  
4 requests, further requests, were made to the officers  
5 in charge at regular conferences which were being  
6 held with the Prisoners of War Information Bureau.

7 Q Would the matter ever be taken up with the  
8 Foreign Minister?

9 A All matters with regard to information were  
10 handled in my office -- in my section.

11 Q But if you could not get the information, what  
12 did you do then?

13 A There was no case in which no information  
14 was received. It was only a case of the replies on  
15 requests for information being delayed.

16 Q With regard to the Wake Island case, on the  
17 26th of May of 1942, in exhibit 2039, the Swiss  
18 Minister requested information as to the fate of the  
19 American nationals remaining on the island. Do you  
20 remember receiving that request?

21 A Yes, I do.

22 Q Do you know that on the 27th of July, 1945,  
23 the Swiss Minister again asked the Foreign Office  
24 for the same information -- three years later?

25 A I do not know, because I was not in office at

that time.

1 Q Witness, you remained in the Foreign Office,  
2 I take it?

3 A Yes, but I was no longer handling matters of  
4 that kind.

5 Q Are you still in the Foreign Affairs Depart-  
6 ment?

7 A I left the Foreign Office last year. I am no  
8 longer there.

9 Q Before giving evidence in this case, did you  
10 not make inquiries at the Foreign Office with regard  
11 to the evidence you were going to give?

12 A In order to clarify my recollection I dis-  
13 cussed some matters with my colleagues in the Foreign  
14 Office.

15 Q And the only matter you quote here is the  
16 Wake Island matter?

17 A Yes, there is a passage referring to Wake  
18 Island.

19 Q Didn't you ask them what was finally done  
20 about that?

21 A No, I do not know anything about it.

22 Q Well, now, with regard to protests, generally,  
23 on whose direction did you forward them direct to  
24 the Prisoner of War Information Bureau?  
25



1           A    If the matter is with reference to information  
2 only, there are some that I sent myself directly, and  
3 other matters were sent under the direction of the  
4 Director of the Bureau of Treaties, who was my  
5 superior.

6           Q    In other words, you simply relied on what  
7 he told you?

8           A    Yes.

9           Q    And up to October '42 you had received very  
10 few complaints?

11          A    Yes, complaints were very few.

12          COLONEL MORNANE: If it please the Court,  
13 that concludes the cross-examination of this witness,  
14 but I would like to draw the Court's attention to  
15 the exhibit numbers of the series of documents dealing  
16 with Wake Island.

17               In addition to those mentioned in the evidence  
18 of the witness, there are exhibits 2034, 2039, and  
19 2040 through to 2053.

20          THE PRESIDENT: I have a question on behalf  
21 of a Member of the Tribunal.

22               Was the Foreign Ministry satisfied with the  
23 denials of the War Ministry, or did it ask for the  
24 files of inquiries made by the War Ministry?

25          THE WITNESS: No, there was no such case.

1 We had no authority to make such demands or requests.

2 REDIRECT EXAMINATION

3 BY MR. FREEMAN:

4 Q Mr. KUDO, was not the Prisoner of War Infor-  
5 mation Bureau an independent bureau under the super-  
6 vision of the War Minister?

7 A I do know that it was under the control  
8 and jurisdiction of the Minister for War, but beyond  
9 that I do not know its concrete status.

10 MR. FREEMAN: May the witness be excused?

11 THE PRESIDENT: The witness is released on  
12 the usual terms.

13 (Whereupon, the witness was excused.)

14 MR. FREEMAN: I next offer in evidence  
15 defense document 2009, which is a report of the Red  
16 Cross inspection of POW camps referred to in Mr. KUDO's  
17 affidavit.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Three pamphlets for  
20 June, July and November of 1942, entitled "Red Cross  
21 International Review," will receive exhibit No. 3041  
22 for identification only. The excerpt therefrom, being  
23 defense document 2009, will receive exhibit No. 3041-A.  
24

25 (Whereupon, the document above  
referred to was marked defense exhibit

1 No. 3041 for identification; and the excerpt  
2 therefrom, being document No. 2009, was  
3 marked defense exhibit No. 3041-A and re-  
4 ceived in evidence.)

5 MR. FREEMAN: (Reading) "June, 1942,  
6 pages 382-383.

7 "The delegation in Japan."

8 THE PRESIDENT: We will continue after the  
9 recess. We will recess for fifteen minutes.

10 (Whereupon, at 1045, a recess was  
11 taken until 1100, after which the proceedings  
12 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International Mil-  
itary Tribunal for the Far East is now resumed.

2 THE PRESIDENT: Mr. Freeman.

3 MR. FREEMAN: If the Tribunal please, I will  
4 continue with the reading of exhibit 3041-A.

5 "June, 1942, pp. 382-383.

6 "The delegation in Japan.

7 "On the occasion of his visit paid to the camp  
8 of Sumiro Jogakuin in Tokyo on May 16, Dr. Paravicini  
9 found 16 citizens of the United States, 10 Britishers,  
10 11 Canadians, 5 Dutchmen, 2 Belgians and 1 from Honduras.  
11 The two-thirds of them are missionaries, all of local  
12 origin, who arrived, in succession, at the camp estab-  
13 lished on December 8. In his telegraphic message address-  
14 ed to the International Committee, Dr. Paravicini de-  
15 scribes the very salubrious situation of this camp, and  
16 the excellent conditions of lodging and nourishment.  
17 He points out that all those interned are made to under-  
18 go a medical examination once a month, and that, in case  
19 of need, they are sent to better hospitals. Dr. Para-  
20 vicini adds the following informations: the Catholic  
21 and Protestant religious services are celebrated in  
22 this camp; the interned have a library with some news-  
23 papers and amusements at their disposal; there is none  
24 that is indigent among them; the commander, inspector  
25

1 of the service of the foreigners of the Metropolitan  
2 Police gives a good treatment to those interned, who,  
3 represented by four trustworthy men, have an excell-  
4 ent discipline and morale. The delegate writes, in  
5 conclusion, that this camp is an exemplary camp. The  
6 sole desire expressed by the interned is about the  
7 calls to the outside world, which they wish to be allow-  
8 ed to pay more frequently."

9 \* \* \* \*

10 "The delegation in Shanghai.

11 "According to an information sent to the  
12 International Committee by its delegate Mr. Egle, the  
13 67 nurses from Corregidor, all sound and safe, are  
14 interned in the University of Manila, where they are  
15 treated well. Mr. Egle informed also that about 13,000  
16 civilians were interned in St. Thomas's, and that the  
17 letters received from 200 among them show that the treat-  
18 ment and the conditions of life there are excellent."

19 \* \* \* \*

20 "July, 1942, pp. 465-466.

21 "The delegation in Japan.

22 "Dr. Paravicini visited the camp No. 2 of  
23 Yokohama Kencho, on May 30. Established on the seashore,  
24 on an artificial ground constructed of stone and argill-  
25 aceous soil taken from the neighbouring hills, well-

1 drained, sunny and well-ventilated, the camp comprised  
2 18 Englishmen, 7 citizens of the United States and 2  
3 Greeks of local origin. It was opened on December 18,  
4 1941 like the camp No. 1. The building is two-storied.  
5 The treatment, the discipline and the morale there are  
6 good, and the delegate of the International Committee  
7 received only few complaints from some of those interned  
8 suffering from depression.

9 "On that same day, the delegate of the Inter-  
10 national Committee visited the camp No. 1, situated in  
11 the southern part of Yokohama, at a half kilometre from  
12 the sea, which sheltered 19 Englishmen, 16 citizens of  
13 the United States, 11 Greeks, 3 Dutchmen, 1 Irishman,  
14 1 Canadian and 1 Norwegian. The treatment, the discip-  
15 line and the morale here are good.

16 "On June 11, Dr. Paravicini visited the camp  
17 of Shiroyama, Nagasaki, where were found 1 American and  
18 1 American woman, 6 Englishmen, 1 Englishwoman, 10 Can-  
19 adians, 4 Dutchmen and 2 Belgians. Established on the  
20 summit of a well-drained clayey hill, in a climate which  
21 has an excellent reputation, the camp enjoys the fertil-  
22 ity of the country. The treatment, the morale and the  
23 discipline here are good, and the delegate of the  
24 International Committee heard no complaint on the part  
25 of the interned. Dr. Paravicini points out, however,



1 that they desired to have some books, cards and play-  
2 things, and that the Japanese Red Cross was applying  
3 itself to getting them for the interned. In conclusion,  
4 the delegate declares that the camp is excellent."

5 \* \* \* \*

6 "On June 13, he visited the camp of Miyoshi,  
7 Hiroshima Prefecture, which was opened on December 13,  
8 1941. There were 13 citizens of the United States,  
9 4 Britishers, 3 Belgians and 1 of the Irish nationality,  
10 of whom 18 were women and 3 men. Two hours by train to  
11 the north of the seat of the prefectural government of  
12 Hiroshima, the camp is situated in the neighbourhood  
13 of two towns. In 1935, an American mission established  
14 a sanatorium here, three hundred metres above the sea  
15 level, surrounded by cultivated fields, by parks and by  
16 hillocks covered with forests. The climate here is  
17 salubrious. The buildings are solid, sunny and well-  
18 ventilated. A good morale reigns in this camp, and no  
19 complaint was made to the delegate of the International  
20 Committee. The commander, a sympathetic man, is satis-  
21 fied with the discipline of the interned as well as their  
22 spirit of comradeship.

24 \* \* \* \*

25 "On June 19, Dr. Paravicini visited the Sendai  
camp, which was opened on December 9, 1941. Twenty-two

1 citizens of the United States had vacated the camp, two  
2 days before the call of the delegate, on their own demand.  
3 The interned are lodged in a neighbouring house, while  
4 there remain in the camp 2 American women, 1 Englishman,  
5 1 Englishwoman, 1 Dutchman and 23 Canadians. The camp  
6 stands isolated in a wood in the midst of the university  
7 town of Sendai. The vegetables and fruits, as well as  
8 the marine products, are abundant. The conditions under  
9 which the interned are lodged and fed are very favour-  
10 able."

11 \* \* \* \*

12 "November, 1942. p. 807.

13 "The delegation in Japan. (A telegram received  
14 from Tokyo provides us with information on the war pris-  
15 oners' camp at Zentsuji.

16 "Established in 1914 to lodge war prisoners  
17 and accommodated again to the purpose after it was aban-  
18 doned in 1919, this camp is formed of wooden barracks.  
19 One notices that it is not surrounded, unlike some camps  
20 in other countries, by a high girdle of barbed wire.  
21 It has, as hosts, some American, British and Austral-  
22 ian war prisoners for the present.

23 "Those who are interned there have named it  
24 'University of Zentsuji', on account of the deepened  
25 lessons founded here; courses of commerce, of engineer-

1 ing, of stenography, of navigation, of Japanese lang-  
2 uage, all given by the prisoners themselves. The the-  
3 atrical performances take place on Sunday evening, and  
4 a conference on Thursday evening.

5 "On Sunday morning, the religious services are  
6 celebrated by Anglican and Protestant chaplains, of whom  
7 two are Americans and the other one is an Australian.

8 "The health service is secured by American,  
9 British and Japanese physicians."

10 I next offer in evidence defense document 2277,  
11 excerpts from the book "Red Cross International Review",  
12 dated January and July, 1942.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: January-April 1942 Red  
15 Cross International Review will receive Exhibit number  
16 3042 for identification only. Excerpts therefrom, being  
17 defense document 2277, will receive exhibit number 3042-A.

18 (Whereupon, the document above referred  
19 to was marked defense exhibit 3042 for identifi-  
20 cation, and the excerpts therefrom, being defense  
21 document 2277, was marked defense exhibit 3042-A,  
22 and received in evidence.)

23 MR. FREEMAN: I will read defense exhibit  
24 number 3042-A:  
25



1 "The Red Cross International Committee.

2 "January, 1942: pp. 7-8.

3 "Extension of the Conflict to the Pacific Area.

4 "The conflict being extended to the Pacific  
5 area, the International Committee has -- as it had  
6 already done for the other countries which had entered  
7 the war -- telegraphically placed the services of the  
8 Central Bureau of Prisoners of War at the disposal of  
9 the belligerent states, asking them if they were dis-  
10 posed to exchange by the intermediary of the Central  
11 Bureau of Geneva lists of information on prisoners of  
12 war, and insofar as possible on civil internees whom  
13 they should detain.

14 "That communication was addressed to the Gov-  
15 ernments of the United States, Japan, the Netherlands  
16 in London, Costa Rica, Cuba, the Dominican Republic,  
17 Guatemala, Haiti, Honduras, Nicaragua and Salvador.

18 "The Committee furthermore had brought the  
19 above steps to the knowledge of the Governments of Great  
20 Britain, Australia, Canada, and the Union of South Africa.

21 "The International Committee received, by 12  
22 January, answers by which the United States, Japan,  
23 Guatemala, Haiti and Nicaragua declared themselves  
24 ready to proceed to the transmission of informations  
25 and to the exchange of news."

\* \* \* \*

1 "April, 1942: p.217.

2 "The Delegation in Japan.

3 "Dr. Paravicini telegraphed on 4 February  
4 that the Guam and Wake prisoners had expressed their  
5 gratitudes to the Japanese authorities for the good  
6 treatment which had been accorded to them.

7 "Accompanied by a colleague of the Information  
8 Bureau of the Japanese Red Cross, Dr. Paravicini on  
9 12 March visited a prisoner-of-war camp which is situ-  
10 ated in a fertile plain between hills covered with pine  
11 trees; the climate is healthy there, and the delegate  
12 indicates that there are no endemic diseases. The space  
13 of the camp is three hectares; it contains two solid  
14 Army barracks built of wood, capable of receiving sev-  
15 eral hundreds of prisoners."

THE PRESIDENT: Colonel Mornane.

COLONEL MORNANE: If the Tribunal pleases, with regard to the prosecution evidence on Wake Island, I would like to have it recorded that that appears in exhibits 1639, 1640, 2038, 2035, 2036-A, B, and C, and the evidence of Stewart at pages 14,911 to 14,937 of the record.

MR. FREEMAN: If the Tribunal pleases, the document I just read is an official record of the International Red Cross report. Apparently the prosecution is trying to cross-examine that document by offering citations of documents that are already in evidence.

THE PRESIDENT: Colonel Mornane.

COLONEL MORNANE: I may say, if the Tribunal pleases, that references are only made for the convenience of the Tribunal, and also for the convenience of any one who is going through the record, either the defense or the prosecution.

THE PRESIDENT: Hitherto they have been made to avoid cross-examination.

COLONEL MORNANE: Well, I don't know whether the Tribunal or the defense has any objection to that appearing there for the help of the Tribunal and the defense.



1 MR. FREEMAN: The defense does object.

2 THE PRESIDENT: They certainly help, but I  
3 can see by making references often enough an abuse  
4 might arise.

5 Mr. Freeman.

6 MR. FREEMAN: I next offer in evidence defense  
7 document 2125, which is the Navy's reply relative to  
8 ratifying the Geneva Convention of 1929.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 2125  
11 will receive exhibit No. 3043.

12 (Whereupon, the document above referred  
13 to was marked defense exhibit 3043 and received in  
14 evidence.)

15 MR. FREEMAN: I now read exhibit No. 3043:

16 "To Vice-Minister of Foreign Affairs, Esq.

17 "From Vice-Minister of Navy.

18 "Our reply to Your Note with regards Reco-  
19 mmending to the Throne the Ratification of 'the Treaty  
20 signed on the 27th of July, 1929, pertaining to the  
21 Treatment of Prisoners of War.'

22 "With reference to the above subject, enquired  
23 in your note of No. 3091 dated August 9th, we replied  
24 by our letter of Secretariat No. 1984-B at that time.  
25 But as the result the study which we made later, we,

1 the Navy Ministry, reached the conclusion that it is  
2 advisable to refrain from recommending to the Throne  
3 the ratification of the said treaty. (Our opinions  
4 are attached herewith in the annexed papers.)

5 "Our opinions on this treaty

6 "1. The Japanese soldiers do not expect any  
7 possibility of becoming War prisoners. On the con-  
8 trary, the soldiers of the foreign countries are not  
9 necessarily considered in the same way as the Japanese.  
10 Therefore, although this treaty appears reciprocal in  
11 its form, it is unilateral in its substance, causing  
12 obligations on our side only.

13 "2. This treaty is to guarantee the lenient  
14 treatment to prisoners, hence, in case enemy forces  
15 attempt to make air raids taking into consideration  
16 that they would become prisoners after achieving their  
17 aims, the range of action of enemy planes might be  
18 doubled. Thus, it is feared, the extent of the danger  
19 of being air raided would naturally be enlarged, and  
20 so forth, bringing about consequent disadvantages upon  
21 our naval operations.

22 "3. That, under the provisions of the Article  
23 86, representatives of third powers be allowed to have  
24 interviews with war prisoners without observers is  
25 harmful from the military point of view.

1 "4. The provisions of this treaty concerning  
2 the punishment of war prisoners give war prisoners  
3 more advantages than those which Japanese soldiers  
4 will receive under Japanese laws. This fact will  
5 necessitate the amendment of such codes and laws as  
6 the Navy Disciplinary Law, the Navy Penal Code, the  
7 Navy Court-Martial Law, and the Navy Ordinance concern-  
8 ing imprisonment. Such revision is not advisable in  
9 the light of the principles of the said laws, the pur-  
10 pose of which is to maintain the military discipline.

11 "On the ground above said, We are of opinion  
12 that we had better not to recommend to the Throne the  
13 ratification of the said treaty."

14 THE PRESIDENT: How does that help you? That  
15 is a good argument for disregarding the treaty Japan  
16 did sign, the Hague Convention? We like to know the  
17 purposes for which these things are tendered if it is  
18 not clear.

19 MR. FREEMAN: The Hague Convention does not  
20 conflict with these laws; the 1929 does.

21 THE PRESIDENT: That is a mere bare assertion.  
22 Just compare the two and see what the differ-  
23 ences are.  
24

25 MR. FREEMAN: I thought I did that yesterday.  
I don't have with me at present exhibit 15,



1 in which both articles of the Hague and the Geneva  
2 Convention appear. However, I attempted yesterday in  
3 reading excerpts from both to show that difference.  
4 I will be glad later to bring it back in and show the  
5 difference.

6 THE PRESIDENT: It is the purpose of tender-  
7 ing this document that I am inquiring about, and to  
8 state that you have to note the differences between  
9 the two conventions and see whether they justify this  
10 document.

11 MR. FREEMAN: This document was offered to  
12 show the Navy's reason why they objected to the rati-  
13 fication of the Geneva Convention. I think it also  
14 shows the lack of conspiracy among the accused.

15 I next offer in evidence defense document  
16 2126, which is the Army's reply relative to ratifying  
17 the same Convention.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 2126  
20 will receive exhibit No. 3044.

21 (Whereupon, the document above referred  
22 to was marked defense exhibit 3044 and received  
23 in evidence.)

24 MR. FREEMAN: I shall not read exhibit 3044  
25 but comment to the extent that the army was agreeable

1 to the articles in the Geneva Convention relative to  
2 the treatment of the sick, but was opposed to ratifi-  
3 cation of the treatment of prisoners of war.

4 I now read excerpts from exhibit 1965, which  
5 is the official regulation issued by the War Ministry  
6 relative to the treatment of prisoners of war.

7 "Article 4

8 "The director administers the affairs of the  
9 Bureau under the direction and supervision of the Min-  
10 ister of War.

11 "Article 5

12 "In regard to matters falling within his jur-  
13 isdiction, the director may demand information from  
14 any military or naval unit concerned."

15 I may add this is the director of the POW  
16 Information Bureau.

17 On page 3:

18 "Article 5.

19 "The commandant shall be responsible to a  
20 commander of an army or to a commander of a garrison  
21 and he shall manage all the affairs of the camp."

22 "Article 8

23 "A commander of an army or an commander of a  
24 garrison may, whenever necessary, delegate his subor-  
25 dinates to assist in the management of a prisoner of war

camp.

1 "Persons delegated according to the provisions  
2 of the preceding paragraph shall be under the super-  
3 vision and command of the commandant."

4 "Chapter I

5 "Article 1

6 "A prisoner of war, as defined in these regu-  
7 lations, is any enemy combatant who has fallen into  
8 the power of the Empire or any other person who is to  
9 be accorded the treatment of a prisoner of war by vir-  
10 tue of international treaties and customs.

11 "Article 2

12 "A prisoner of war shall be humanely treated  
13 and in no case shall any insult or maltreatment be in-  
14 flicted upon him.

15 "Article 3

16 "A prisoner of war shall be given appropriate  
17 treatment, according to his status or rank. However,  
18 this shall not apply to any persons who do not answer  
19 truthfully to interrogations regarding his name and  
20 rank or to any person who is guilty of other offences.

21 "Article 4

22 "A prisoner of war shall be controlled accord-  
23 ing to the regulations of the Imperial Army and he  
24 shall not otherwise be arbitrarily restrained.  
25



"Article 5

1 "A prisoner of war shall enjoy freedom of  
2 religion and may participate in the religious cere-  
3 monies of his own denomination, in so far as mili-  
4 tary discipline and public morals are not prejudiced  
5 thereby."  
6

7 "Article 7

8 "A prisoner of war, not on parole, who is  
9 captured before he succeeds in escaping shall be sub-  
10 ject to disciplinary punishment.

11 "Said prisoner of war who initially succeeds  
12 in escaping and is again captured shall not be liable  
13 to any punishment for his previous escape."  
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1 On page 6, Article 21:

2 "The commander of an army or the commander  
3 of a garrison who administers a prisoner of war camp  
4 (henceforth called the chief administrator of the  
5 prisoner of war camp) shall establish the standing  
6 orders of the prisoner of war camp and shall make a  
7 report thereof to the Minister of War and to the  
8 Director of Prisoners of War Information Bureau."

9 Article 26: "Inasmuch as all postal matter  
10 sent to or by prisoner of war are exempt from all  
11 postal charges by international agreement, the chief  
12 administrator of the prisoner of war camp shall pro-  
13 vide for adequate postal procedures through arrange-  
14 ments with the post offices in the locality."

15 Article 27: "The regulations for the admin-  
16 istration of prisoners of war in prisoner of war  
17 camps shall be established by the chief administrator  
18 of the prisoner of war camp.

19 "The regulations mentioned in the preceding  
20 paragraph shall be reported to the Minister of War  
21 and to the Director of Prisoners of War Information  
22 Bureau."  
23

24 Page 8, Article 7: "Extreme care and strin-  
25 gent rules shall be adopted for the purpose of taking  
all possible precautions against the danger of fire at

1 prisoner of war camps."

2           Page 9, Article 15: "After the internment  
3 of prisoners of war, the commandant of the prisoner  
4 of war camp shall immediately record the name,  
5 nationality, unit, rank or status, and state of health  
6 of the prisoners of war on the form shown in the  
7 appendix and make a report thereof to the Director  
8 of the Prisoner of War Information Bureau."

9           Page 10, Article 20: "An infirmary  
10 (including recreation room) shall be established for  
11 the examination and treatment of prisoners of war  
12 whose conditions do not necessitate hospital treatment."

13           Article 21: "Hospital wards shall be attached  
14 to prisoner of war camps, in the event that they are  
15 found to be necessary, in which patients requiring  
16 admittance shall receive treatment.

17           "Hospital wards shall be furnished with the  
18 necessary medical supplies, clothing, bedding, and  
19 other miscellaneous articles.  
20

21           "Medical services for the hospital wards  
22 mentioned in the preceding articles can be rendered  
23 by staff members of the nearest army hospital in  
24 addition to their other duties.

25           "However, in cases of necessity, relief  
squadrs from the Japanese Red Cross Society may render



1 medical services under the direction and supervision  
2 of a medical officer."

3 Article 3 on page 28: "Unless otherwise  
4 provided for in the Regulations for the Dispatch of  
5 Prisoners of War and in the present order, the  
6 treatment of dispatched prisoners of war shall be deter-  
7 mined by the commandant of the prisoner of war camp  
8 who dispatches them (henceforth called the commandant  
9 of the prisoner of war camp)."

10 Article 7, page 28: "The commandant of  
11 the prisoner of war camp shall make an inspection and  
12 examination of the dispatched prisoners of war when-  
13 ever necessary."

14 Page 32, Transportation of Prisoners of War:

15 "Recently during the transportation of the  
16 prisoners of war to Japan many of them have been  
17 taken ill (or have died) and quite a few of them  
18 have been incapacitated for further work due to the  
19 treatment on the way which at times was inadequate.  
20

21 "Your unit is, therefore, instructed to  
22 enforce more rigidly the rules regarding the selection  
23 of prisoners of war to be sent to Japan proper, med-  
24 ical examinations, distribution of the medical person-  
25 nel, the medicine necessary during the transit, the  
preparation of provisions, administration during the

1 transit, facilities to be provided at ports of call,  
2 supply of clothing, etc."

3 Page 41: "1. The medical treatment of  
4 prisoners of war who are patients (henceforth called  
5 patients) shall as a general rule be rendered at an  
6 infirmary established at the prisoner of war camp  
7 (henceforth called the camp).

8 "Those prisoners of war patients requiring  
9 special treatment or suffering from contagious  
10 diseases may be admitted to an army hospital by an  
11 arrangement made between the commandant of the camp  
12 and the director of the nearest army hospital.

13 "2. If for any reason the preceding paragraph  
14 cannot be complied with, such treatment may be in the  
15 care of any civilian physician in the locality."

16 Page 42, Article 5: "Army internees shall  
17 be treated with justice, taking into consideration  
18 their customs and manners, and no insults or maltreat-  
19 ment shall be imposed upon them."

20 Article 6: "As a general rule, all army  
21 internees shall be treated equally without making any  
22 distinctions as to their former status."

23 Article 7: "The army internment camp shall  
24 be housed in buildings which are adequate enough to  
25 prevent the escape or mischief of army internees and

1 which are adequate for the maintenance of their  
2 health."

3 Article 8: "The quarters for the army  
4 internees shall be separated as much as possible into  
5 those for men, and for women and children (which term  
6 herein and hereinafter refers to those under 10 years  
7 of age). A further separation shall be made according  
8 to nationality, age, etc.

9 "Notwithstanding provisions of the preceding  
10 paragraph, members of the same family may be allowed  
11 to live together."

12 Article 10: "When army internees have been  
13 interned, the commandant of the army internment camp  
14 shall immediately divide each nationality group into  
15 two groups, men, and women and children, and he shall  
16 report thereof to the Minister of War and to the  
17 director of the Prisoner of War Information Bureau.  
18 The same procedure shall apply when army internees  
19 have been released."

20 Page 43, Article 17: "The medical treatment  
21 of army internees shall be rendered at the army in-  
22 ternment camp and for this purpose adequate medical  
23 supplies shall be furnished to the army internment  
24 camp. However, if there is a prisoner of war camp or  
25 a branch thereof in the vicinity, the medical treatment



1 can be given at the infirmaries of these places."

2 Article 18: "As a general rule, army  
3 internee patients who require hospitalization shall  
4 be received either in a hospital in the district, a  
5 hospital attached to a prisoner of war camp, or a  
6 hospital at a branch of a prisoner of war camp."

7 That concludes the reading of exhibit 1965.

8 I now offer the witness ISHII, Masami,  
9 whose affidavit is defense document 381.  
10

11 - - -

12 M A S A M I I S H I I, called as a witness on  
13 behalf of the defense, being first duly sworn,  
14 testified through Japanese interpreters as  
15 follows:

16 DIRECT EXAMINATION

17 BY MR. FREEMAN:

18 Q Mr. ISHII, will you give us your full name  
19 and address?

20 A My name is ISHII, Masami; my address: No. 69  
21 Niokoji, City of Morioka.

22 MR. FREEMAN: May the witness see defense  
23 document 381?

24 Q Mr. ISHII, is that your affidavit and have  
25 you signed it?

A Yes.

1 Q Are the contents therein true and correct?

2 A Yes.

3 MR. FREEMAN: I now offer in evidence defense  
4 document 381.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 381  
7 will receive exhibit No. 3045.

8 (Whereupon, the document above  
9 referred to was marked defense exhibit  
10 No. 3045 and received in evidence.)

11 MR. FREEMAN: I now read exhibit 3045,  
12 dispensing with the first four paragraphs:

13 "5. The instruction attached hereto was  
14 drafted by myself according to the directives given  
15 by General TERAUCHI, the Commander in Chief of the  
16 Southern Army, and Lieutenant General TSUKADA, the  
17 chief of staff of this Army, and was approved by them.  
18 On November 20, Commander TERAUCHI called a meeting in  
19 Tokyo of all the commanders under his command, in-  
20 cluding Major General KAWAGUCHI, Commander of the  
21 KAWAGUCHI Detached Corps and transmitted the above-  
22 mentioned instruction. The commander himself read the  
23 instruction to them, and afterwards made it printed and  
24 handed it to them. I was in attendance on the occa-  
25 sion.

1 "Instruction

2 "At this critical moment of our national  
3 advancement, I, TERAUCHI, was unexpectedly appointed  
4 to the responsible post of the Commander in Chief of  
5 the Southern Army. Nothing is more honorable and  
6 grateful for me. I am anxious to discharge the  
7 heavy responsibility now placed on me, chiefly  
8 depending on the loyalty and bravery on the part of  
9 all our commanders and their men.

10 "All the officers and men should grasp the  
11 true meaning of the present sacred war, impress your  
12 heavy responsibilities on your minds and do your best  
13 with an indomitable will.

14 "Both the Army and the Navy always on good  
15 terms and in close collaboration with each other should  
16 prove their true strength and accomplish the aim of  
17 the present campaign in the shortest length of time  
18 never faltering in the belief that the Japanese nation  
19 can never lose in the war.

20 "Try to appease and enlighten the innocent  
21 local peoples by showing the true virtue and dignity  
22 of the Japanese Army through your own behavior and  
23 always refrain from resorting to violence. I especial-  
24 ly wish you to exercise self-restraint and fight  
25 bravely in view of the hot climate and prevailing



1 pestilence at the front.

2 "Commander in Chief of the Southern Army

3 "Count TERAUCHI."

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You may cross-examine.

1 THE PRESIDENT: We take that to be the 20th  
2 of November 1941; that is, on the fourth line of  
3 page 2.

4 MR. FREEMAN: That is 1941.

5 THE PRESIDENT: Colonel Mornane.

6 CROSS-EXAMINATION

7 BY COLONEL MORNANE:

8 Q Witness, what was your appointment in  
9 November of 1941?

10 A I was staff officer in the Southern Army.

11 THE PRESIDENT: He says that. What rank?

12 THE WITNESS: Colonel.

13 Q Now, will you tell me over what area the  
14 command of the Southern Army extended?

15 A The authority of the Commander in Chief of  
16 the Southern Army extended over French Indo-China,  
17 Siam, Malaya, Sumatra, Java, the Dutch East Indies,  
18 British Borneo, and the Philippines.

19 Q And what appointment did General YAMASHITA  
20 have there at that time?

21 A He was then Commander in Chief of the 25th  
22 Army.

23 Q And that was part of the Southern Army?

24 A Yes.  
25

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20 have there at that time?

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22 Army.

23 Q And that was part of the Southern Army?

24 A Yes.  
25



Q Now, what did your duties consist of?

A My work involved operations.

Q In the course of your duties did you learn that 5,000 Chinese had been arrested in Singapore on or about 21 February in 1942?

A I have never heard of it.

Q You have never heard of it?

A No.

Q Where were you on 21 February 1942?

A In Saigon.

Q That was where General TERAUCHI's headquarters were?

A Yes.

MR. FREEMAN: If the Tribunal please, I object to this line of questioning. It is entirely outside the scope of the affidavit.

COLONEL MORNANE: This cross-examination, if it please the Tribunal, is to show or at least to ascertain from the witness how he could reconcile or how it was within General TERAUCHI's orders to appease and enlighten the innocent local peoples by showing the true virtue and dignity of the Japanese Army, when according to the prosecution's evidence on the 23rd of February, 5,000 Chinese were massacred at Singapore, an area which was controlled

by General TERAUCHI's army.

1 MR. FREEMAN: If the Tribunal pleases, that  
2 still is outside the scope of this affidavit. The  
3 affidavit concerns certain instructions given by  
4 Marshal TERAUCHI on November 20, 1941. What happened  
5 thereafter has nothing to do with this affidavit.

6 THE PRESIDENT: Two of your views are open.  
7 This witness actually says no more than TERAUCHI  
8 made that speech, but there is another view and  
9 perhaps the sounder one, that the sincerity of that  
10 speech can be the subject of cross-examination.  
11 I do not know what views my colleagues may have; I  
12 have only one.

13 By a majority the objection is upheld, and  
14 the question disallowed.

15 COLONEL MORNANE: If it please the Court.

16 MR. FREEMAN: May the witness be excused?

17 (Whereupon, the witness was excused.)

18 I next offer in evidence defense document  
19 1589 which is an amendment to Article 2 of the  
20 regulations concerning the treatment of prisoners of  
21 war.  
22

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 1589  
25 will receive exhibit No. 3046.

1 (Whereupon, the document above  
2 referred to was marked defense exhibit No.  
3 3046 and received in evidence.)

4 MR. FREEMAN: I will now read exhibit 3046:

5 "War Ministry, Asiatic Affairs, Confidential.  
6 No. 1108. April 9th, 1942. Public Document Con-  
7 cerning Treatment of POW's.

8 "Article 2 of the regulations concerning the  
9 treatment of POW's, the preceding number provides  
10 that the POW Control Bureau should transact business  
11 concerning the treatment of POW's and the internees  
12 at the front. The scope of this 'business concerning  
13 the treatment of POW's and those interned by the  
14 Army' is determined as follows:

15 "1. Matters concerning general plans for  
16 treatment, such as accommodation, discipline, ex-  
17 change, release, employment, punishment and general  
18 allowances of POW's and those interned by the Army  
19 at the front.

20 "2. Matters concerning labor of POW's.

21 "3. Matters concerning correspondence of  
22 POW's.

23 "4. Matters concerning punishment of POW's.

24 "5. Matters corresponding to the preceding  
25 items No. 2 and 3 in the case of those interned by



1 the Army at the front."

2 THE PRESIDENT: What is the object of that,  
3 Mr. Freeman?

4 MR. FREEMAN: It is an amendment to Article 2.  
5 Article 2 was read, I think, in evidence by the pro-  
6 secution.

7 I next offer in evidence defense document  
8 1590 which is a notification from the adjutant's  
9 office to the POW Control Bureau concerning matters  
10 relating to prisoners of war.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document 1590  
13 will receive exhibit No. 3047.

14 (Whereupon, the document above  
15 referred to was marked defense exhibit No.  
16 3047 and received in evidence.)

17 MR. FREEMAN: I now read exhibit 3047:

18 "Notification to the Chief of the Prisoner  
19 of War Control Bureau from the Adjutant. Dated  
20 November 22, 1942.

21 "This is to inform you that it has been  
22 decided to entrust the decision regarding the follow-  
23 ing matters to the Chief of the Prisoner of War Con-  
24 trol Bureau.

25 "(a) Matters of minor importance concerning

1 the accommodation, handling, allowances, transfer,  
2 labor and punishment of prisoners of war and internees  
3 at the front.

4 "(b) Matters concerning correspondence of  
5 the prisoners of war and internees at the front.

6 "(c) Matters concerning the relief of  
7 prisoners of war and internees at the front.

8 "(d) Matters of minor importance concern-  
9 ing granting to foreigners entree of prisoners of  
10 war camps and the military detention houses."

11 COLONEL MORNANE: If it please the Tribunal,  
12 with regard to that the prosecution would like to be  
13 informed as to who is referred to by the title of  
14 Adjutant. Is it the Adjutant of the Prisoner of  
15 War Control Bureau?

16 THE PRESIDENT: The certificate throws no  
17 light on it, but it suggests, probably quite right-  
18 ly, that it means the War Ministry Adjutant.

19 It is nearly twelve. Clear it up during  
20 the luncheon adjournment.

21 We will adjourn until half-past one.

22 (Whereupon, at 1200, a recess was  
23 taken.)  
24  
25

## AFTERNOON SESSION

1  
2  
3 The Tribunal met, pursuant to recess, at  
4 1330.

5 MARSHAL OF THE COURT: The International  
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: The Supreme Commander having  
8 directed that Monday shall be a legal holiday, being  
9 Labor Day, this court will not sit on Monday.

10 Mr. Freeman.

11 MR. FREEMAN: If the Tribunal pleases, just  
12 as we recessed at the noon hour a question arose in  
13 exhibit No. 3047 as to the adjutant referred to in  
14 this document. I am advised that this is an adjutant  
15 within the War Ministry.

16 I now call witness SUZUKI, Kunji, whose  
17 affidavit is defense document 1907.

18 THE PRESIDENT: What has happened to 1456?

19 MR. FREEMAN: That is a duplicate in  
20 Mr. Roberts' list, who is to follow me, and he will  
21 present that.  
22

23 - - -  
24  
25



1 K U N J I S U Z U K I, called as a witness on  
2 behalf of the defense, being first duly  
3 sworn, testified through Japanese inter-  
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. SUZUKI, will you give your full name?

8 A SUZUKI, Kunji.

9 MR. FREEMAN: May the witness see defense  
10 document 1907?

11 Q Is that your affidavit, and did you sign it?

12 A Yes.

13 Q Are the contents true and correct?

14 A Yes.

15 MR. FREEMAN: I offer in evidence defense  
16 document 1907.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 1907  
19 will receive exhibit No. 3048.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 3048 and received in evidence.)

23 MR. FREEMAN: I now read into evidence  
24 exhibit 3048.

25 "1. September 29, 1942, when joint education

1 of the newly-appointed chiefs of the War Prisoners'  
2 Camp and its staff was given at the War Ministry,  
3 which I attended as the chief of the War Prisoners'  
4 camp, Lt. General KAMIMURA, Mikio, the chief of the  
5 Prisoners' of War Control Bureau read the War Minister's  
6 instruction for the Minister.

7 "Neither War Minister TOJO nor Vice-Minister  
8 KIMURA was present at the lecture.

9 "2. Lt. General KAMIMURA, after reading the  
10 instructions, explained it as follows:

11 "a. 'In regard to the treatment of the war  
12 prisoners, it is natural that you should be faithful  
13 to its righteous execution according to the rules,  
14 so that you should manifest the impartial attitude  
15 of the Empire as it really is, to the world; never-  
16 theless, you must supervise them rigidly in so far as  
17 you do not become inhuman....' expressed in the  
18 instruction, means as follows:

19 "The treatment of war prisoners ought to be  
20 carried out according to the War Prisoner Treatment  
21 Rule and its by-law. Especially, 'War prisoners must  
22 be treated with the spirit of benevolence and should  
23 never be insulted or ill-treated' provided in Article 11  
24 of the War Prisoner Treatment Rule, should be observed.  
25 But great care must be taken so that no untoward

1 incident should happen. In short moderation and  
2 refraining from both warm treatment and ill treatment  
3 is essential in the treatment of war prisoners.

4 "b. 'War prisoners should not pass even a  
5 day eating the bread of idleness, but their labor and  
6 skill must be used for the purpose of increasing pro-  
7 duction....' expressed in the instruction, means as  
8 follows:

9 "Today we, the whole nation of Japan, regard-  
10 less of sex and age, are exerting ourselves according  
11 to our abilities to the utmost to increase production  
12 in the country, trying to overcome pressing shortages  
13 of labor. Therefore, the war prisoners also should  
14 render service to the increase of production, filling  
15 the shortage of labor, in proportion to their health,  
16 ability and special skills, respectively.

17 "Viewing from existing pressing shortage of  
18 labor, it is good that the war prisoners do not pass  
19 even a day eating the bread of idleness. But it is  
20 not good that they be forced to work without considera-  
21 tion for their health, ability or special skills.  
22 Technical experts and skilled hands should be considered  
23 so as to be given the opportunity to display their  
24 special skill or ability and kept away from fatigue  
25 duties.



1 "The present war will not easily come to an  
2 end. It will perhaps be a long war. Therefore, we  
3 should make it our motto that we make a reasonable  
4 and efficient use of war prisoners, refraining from  
5 force and impatience. For that purpose we must take  
6 their health and ability into consideration and allow  
7 them reasonable holidays.

8 "If we mistreat them, and cause sickness or  
9 death, it will be most unfavorable to Japan.

10 "c. At the closing, Lt. General KAMIMURA  
11 emphasized that in brief the cardinal principle of  
12 the treatment of war prisoners depended upon impar-  
13 tiality in treating them based on the principle laid  
14 down in the above-mentioned Article 11 of the War  
15 Prisoner Treatment Rule. KAMIMURA said that the  
16 instruction of the War Minister is therefore nothing  
17 but enlargement of this principle.

18 "3. When I met Lt. General KAMIMURA, he  
19 told me as follows:

20 "'The chiefs of the war prisoners' camp such  
21 as you, well know that war prisoners should be fairly  
22 treated, according to the War Prisoner Treatment Rule  
23 and War Minister's instructions. But needless to say  
24 that you must always be cautious of things which  
25 attract the Japanese public's attention. You must

1       beware of causing feelings unfavorable to the war  
2       prisoners, among the people who are having great dif-  
3       ficulties in getting daily commodities, by making  
4       it appear that prisoners are enjoying too good treat-  
5       ment. But you should never fail in treating them  
6       justly.

7                "For instance, recently a number of the muni-  
8       cipal assembly men visited the Paymasters' Department  
9       of the Imperial Guard Division and asked, 'Why is it  
10      that we, the citizens of Tokyo, cannot eat a bit of  
11      meat while meat is given to the war prisoners?' Before  
12      this time the citizens of Tokyo had seen pork being  
13      transported in a truck for prisoners' food. The chief  
14      of the Paymasters' Department barely succeeded in  
15      mollifying them by earnestly explaining the circumstances.  
16      I UEMURA have also experienced cases of this kind.  
17      I hope you will all see through these delicate mental  
18      conditions of the citizens and beware of exciting the  
19      Japanese people without reason.'

20               "4. Upon the other part of the Minister's  
21      instruction, I, SUZUKI, put my interpretation as  
22      follows and put it into practice:

23               "a. 'As to the treatment of war prisoners  
24      there is a difference between the way of our country  
25      and those of European and American countries due to



1 inconsistent ideas as to the war prisoner...' expressed  
2 in the instruction, means that though in the coun-  
3 tries in Europe and America the war prisoners are  
4 regarded and treated as 'honorable war prisoners,'  
5 in this country they are treated throughout with  
6 sympathy and pity as 'pitiful war prisoners.'

7 "In our country it is considered from old  
8 time the greatest disgrace that we, the Japanese,  
9 be taken prisoners. But as to enemies who surrendered  
10 giving up their arms, it is thought to accord with  
11 the spirit of the 'Bushido' that we treat them  
12 throughout with benevolence and pity.

13 "b. 'You must endeavor to make the people  
14 in the occupied areas know the superiority of the  
15 Japanese race and believe that they consider it the  
16 highest honor to be Japanese subjects sharing in the  
17 boundless benevolence of the Emperor...' expressed  
18 in the instruction, is in brief that the Japanese are  
19 required to display their excellent character, not  
20 to insult the war prisoners or to be puffed up with  
21 pride.

22 "Among foreigners and even Japanese there are  
23 some who think that the Japanese nation is inferior  
24 to the European and American nations in a moral sense.  
25 So we must make them know that the Japanese people



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6 sympathy and pity as 'pitiful war prisoners.'

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17 boundless benevolence of the Emperor...' expressed  
18 in the instruction, is in brief that the Japanese are  
19 required to display their excellent character, not  
20 to insult the war prisoners or to be puffed up with  
21 pride.

22 "Among foreigners and even Japanese there are  
23 some who think that the Japanese nation is inferior  
24 to the European and American nations in a moral sense.  
25 So we must make them know that the Japanese people

1 are not inferior in so far as morality and sense of  
2 justice is concerned and further, it is necessary to  
3 make them know the world-wide beneficence of the  
4 Japanese Emperor through the fair treatment of prison-  
5 ers of war.

6 "I, as the Chief of the Tokyo War Prisoners'  
7 Camp, have been discharging my duty in the treatment  
8 of the war prisoners for a year and a half. While in  
9 office I did always my best, observing Lt. General  
10 KAMIMURA's explanation on the War Minister's instruction  
11 and my own views, to say nothing of conforming to the  
12 War Prisoner Treatment Rule and other provisions. I  
13 will show you some examples:  
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1 "1. In order to drive home the afore-  
2 going instruction of the War Minister, I often sum-  
3 moned the Chiefs of the Branch War Prisoners' Camps  
4 to call their attention to it and never failed to  
5 seize the opportunity to inspect the places where  
6 the war prisoners were working, so that they might  
7 not be subjected to unreasonable imposing of labor.  
8 On account of this measure, I never found in any  
9 camp any prisoner who was forced to labor in disregard  
10 of his rank, health or ability.

11 "2. As to food rationing, we gave more than  
12 the fixed quantity by rules, which was 420 grams for  
13 officers and 570 for other ranks. These figures  
14 actually given varied to the following figures as the  
15 supplies varied:  
16

17 "786 gram - 650 gram - 690 gram --

18 "786 gram -- 660 gram -- 740 gram --

19 "All prisoners, officers and other ranks  
20 got the same rations. Compared with the ration of  
21 the Japanese at that time, A-Class -- 330 gram,  
22 B-Class -- 390 gram, and C-Class (heavy workers) --  
23 540 gram, even the minimum quantity to the prisoners  
24 was 110 gram more than what was allotted to the  
25 Japanese heavy workers. In addition, the prisoners  
were each given a rice ball a day which was about



1 70 gram on the average at his post, so the quantity  
2 which was given substantially was never less than  
3 720 gram.

4 "3. It was the food for the sick persons  
5 that we most worried about. We gave them bread of  
6 the best quality which was made by the Meiji Cake  
7 Producing Company; those in serious condition were  
8 given particularly milk and eggs though the quantity  
9 was small, which were supplied for neither the old  
10 nor sick persons among the Japanese except that  
11 women in pregnancy or childbirth were apportioned  
12 a small amount.

13 "4. As to the laboring of officers in main  
14 camp, I permitted them to engage in arranging the  
15 mail for the prisoners, according to their wishes.  
16 Major Francom who was a senior officer as the head  
17 of the group, distributed the business among the other  
18 officers and they all were glad to work every day.  
19 At some branch camps, poultry farming, raising of  
20 rabbits and fish or gardening was allowed according  
21 to the officers' wishes. I think such kind of labor  
22 that was permitted the officers as above-mentioned  
23 was rather a consolation or an amusement than a  
24 labor.  
25

"There was not a camp where the officers

1 were engaged in the same kind of work done by the  
2 other ranks.

3 "5. As the sporting goods of baseball and  
4 volleyball, checkers, cards and some musical instru-  
5 ments were sent as comfort goods from the Red Cross  
6 Society, they were distributed among the branch  
7 camps and were used freely by the officers and  
8 others for amusement.

9 "When I permitted those who wanted to buy  
10 musical instruments, they were very glad and organized  
11 a brass band. On Christmas, 1943, a band concert  
12 was held to which I was invited.

13 "6. It was about the end of the year 1943,  
14 I think, when War Minister TOJO visited the Tokyo  
15 War Prisoners Camp one day about 4 p. m. without  
16 notice. He inspected the entire camp and kitchens for  
17 about half an hour and gave prize money to the staff  
18 of the camp expressing his satisfaction over our  
19 arrangement."

20  
21 You may cross-examine.

22 THE PRESIDENT: Colonel Mornane.  
23  
24  
25

## CROSS-EXAMINATION

1 BY COLONEL MORNANE:

2 Q Witness, you were very anxious to carry out  
3 Lieutenant General KAMIMURA's instructions, were you  
4 not?  
5

6 A As the director of the Prisoner of War Control  
7 Bureau, he was in a position to give directions or  
8 orders to me; but in his capacity as Chief of the  
9 Prisoner of War Information Bureau he was not in such  
10 a position.

11 Q But having received these instructions you  
12 were anxious to carry them out?

13 A He has never given orders to us in his  
14 capacity as Chief of the Prisoner of War Information  
15 Bureau.

16 Q Witness, I am referring now to the instruc-  
17 tions given by him on the 29th of September, 1942.

18 A Yes, we carried out those instructions.

19 THE INTERPRETER: The witness says the name  
20 should be read "UEMURA" and not "KAMIMURA."

21 Q How many camps had you under your command at  
22 that time?

23 A By "at that time" do you mean when the  
24 Conference of Prisoner of War Camp Superintendents  
25 was held?



1 Q Yes, that is so.

2 A I recall there having been two, one at  
3 Tokyo, and the other at Kawasaki.

4 Q And by the end of that year how many did you  
5 have under your command?

6 A I recall there having been five about that  
7 time in Tokyo, Kawasaki, Yokohama, Naoetsu, and  
8 Mizushima.

9 Q And you carried out frequent inspections  
10 of these camps?

11 A Yes, very frequently to camps in and near  
12 Tokyo, but to distant camps, once or not more than  
13 twice a year.

14 Q And at those inspections did the men, the  
15 prisoners, have the opportunity of making complaints  
16 to you in the absence of members of the staff of those  
17 prison camps?

18 A No, there was no absence of opportunity.  
19 There were opportunities.

20 Q But they would have to make their complaints  
21 in the presence of a member of the staff of the prison  
22 camp about which they were complaining?

23 A Yes. But when I went on inspections of  
24 various places -- when I went to inspect various  
25 prisoners of war camps, the senior prisoner of war

1 officer came along with me, and he had the oppor-  
2 tunity of speaking to me directly.

3 Q But in the presence of a member of the camp?

4 A Yes.

5 Q Did you ever get any complaints of violence  
6 used by members of the prison staff?

7 A Violence? No, they did not speak to me  
8 directly.

9 Q Do you know a man by the name of KURIYAMA?

10 A Yes.

11 Q Did you ever hear of him hitting prisoners?

12 A I have not heard directly that he ever hit  
13 anybody.

14 THE PRESIDENT: Did you hear indirectly?

15 THE WITNESS: No, not yet. I heard that  
16 he reprimanded prisoners.

17 Q Did you ever tell him that he was not sup-  
18 posed to hit prisoners?

19 A Not to him directly or to him alone.

20 Q Do you remember making a statement on the  
21 4th day of September of last year to Captain Phelps?

22 A Yes.

23 Q And that was a statement on oath?

24 A Yes.

25 Q And you initialed each page of it?

1           A    Yes, I did.

2           Q    Did you not say in that statement, in  
3 response to a question, "What did you hear?" --  
4 did you not say, "He often hit the prisoners."

5           A    I shall correct the statement I made  
6 previously, and I accept the statement that I made  
7 to Captain Phelps.

8           Q    That is, you did in fact hear that KURI-  
9 YAMA often hit the prisoners?

10          A    Yes.

11          Q    When did you hear that?

12          A    It was at the time when he was in the  
13 Shinagawa Camp in 1942.

14          Q    I am afraid you will have to tell me when  
15 you heard this statement.

16          A    In 1942 when I was at Shinagawa.

17          Q    Then who did you hear the statement from?

18          A    From interpreter ONISHI.

19          Q    And what did you do as a result of receiv-  
20 ing that information?

21          A    I cautioned KURIYAMA.

22          Q    Did he admit hitting them?

23          A    I told him not to be rough or to ill-  
24 treat prisoners. That is all.  
25



1 Q But he did say he had hit them.

2 A He only replied "Yes" to my words of advice.

3 Q Now, with regard to Tetsutaro KATO, do you  
4 remember hearing that he was rough with prisoners?

5 A Yes.

6 Q Where did you hear that?

7 A At the Tokyo War Prisoners Camp.

8 Q When?

9 A It was some time after August, 1943.

10 Q Was that the first time you heard anything about  
11 him in that respect?

12 A Yes.

13 Q And on that occasion you merely warned him?

14 A This fact was learned by Major HAMADA when he  
15 went to Hitachi, and at that time he himself very  
16 strictly warned Lieutenant KATO about the matter and  
17 after HAMADA returned to Tokyo he reported the matter  
18 to me, so I did not talk to KATO directly.

19 Q You took no further action against KATO at  
20 that time?

21 A Not anything beyond that at that time.

22 Q Subsequently --

23 A Just a moment, please. With reference to KATO,  
24 he had inflicted some wounds on the prisoner's head  
25 and so I thought that he had committed an offense,

1 inflicting an injury on another party, and so I made  
2 an inquiry with the Legal Affairs Section of the  
3 Eastern Army Headquarters, and if the fact that an  
4 offense had been committed would be established, he  
5 would have to be court-martialed and for that purpose  
6 I made consultations on the matter.

7 Q Well then, subsequently, did you have further  
8 complaints about KATO's conduct towards prisoners?

9 A May I have that question repeated?

10 (Whereupon, the question was read by  
11 the Japanese court reporter.)

12 A No, not concerning prisoners of war.

13 Q Well then, why did you have him returned from  
14 Hitachi Camp to Tokyo Camp?

15 A He was not only that rude toward prisoners of  
16 war, but also to Japanese and to employees of the Hitachi  
17 Camp, and not being a person who got along harmoniously  
18 with others, I thought it was improper to have him stay  
19 at Hitachi and therefore recalled him. He was recalled  
20 because he was regarded -- I felt it would be improper  
21 because of his nature to have him continue direct contact  
22 with prisoners of war.

23 Q Now, do you know a man by the name of HAYASHI?

24 A Yes.

25 Q What camp was he at?

1 A The 2nd Branch Camp in Yokohama.

2 Q And he is a lieutenant?

3 A Yes.

4 Q Well now, did you give him any warning about  
5 the treatment of prisoners by his subordinates?

6 A Yes, frequently.

7 Q What did you warn him about?

8 A I warned Lieutenant HAYASHI much in the manner --  
9 I told Lieutenant HAYASHI what I have generally set  
10 forth in my affidavit, frequently at conferences held  
11 among branch camp commandants.

12 Q And that was because his subordinates were ill-  
13 treating prisoners of war?

14 A No, from even before then.

15 Q And after you learned that his subordinates  
16 were mistreating prisoners of war?

17 A Yes, it was after that that I learned. Yes,  
18 I received reports to that effect later.

19 Q With regard to Sergeant WATANABE, do you know  
20 him?

21 A Yes, I do.

22 Q What camp was he at?

23 A While I was there he was serving under me.

24 Q That is Omori Camp?  
25



1 A Yes.

2 Q That was your headquarters?

3 A Yes.

4 Q And when did you hear of his mistreatment of  
5 prisoners?

6 A In the winter of 1943.

7 Q And what action did you take with regard to  
8 that ?

9 A With regard to him I have never received an  
10 official report. However, in the course of a conver-  
11 sation held after supper at one time, I heard that he  
12 conducted himself quite roughly and then it was at that  
13 time that I learned of this for the first time.

14 Q And what did you do with regard to that?

15 A I cautioned Captain NEMOTO, who served directly  
16 under me, to guide him and direct this Sergeant WATANABE  
17 properly.

18 Q But since then, you know there have been further  
19 allegations of violence against WATANABE since 1943?

20 A I have never, not even once, received an  
21 official report to the effect that he was rough.

22 Q You have recently spent a fair amount of time  
23 giving evidence at Yokohama on the minor war trials,  
24 have you not?

25 A Yes.

1           Q   And a number of men who were under your  
2 command have been convicted at those trials and sentenced  
3 to death?

4           A   Yes.

5           MR. FREEMAN:  If the Tribunal please, I object  
6 to that question.  That has nothing to do with these  
7 accused here on trial.

8           THE PRESIDENT:  It is clearly admissible.  It  
9 goes to his assertion in his affidavit that he behaved  
10 as he should as the officer in charge of those camps.  
11 Now he is being cross-examined as to what happened in  
12 the camps and with what results.

13           The objection is overruled.

14           Q   Take the camp at 1-D, Tokyo.  In relation to  
15 that camp, Captain MICHIZAWA, a CHISUWA and a KAWAMURA  
16 have all been sentenced to death.

17  
18  
19  
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1 THE PRESIDENT: We will hear any application  
2 that he be not bound to answer any incriminating ques-  
3 tion. Such application has not been made.

4 MR. FREEMAN: I do make that application, and  
5 in addition --

6 THE PRESIDENT: You will have to explain why  
7 the question, or the answer will be incriminating,  
8 though.

9 We will not force this man to answer here  
10 any question, the answer to which may be used as  
11 evidence against him later.

12 BY COLONEL MORNANE (Continued):

13 Q Would the witness answer the question?

14 A May I have it repeated?

15 Q Did the witness give evidence in cases at  
16 which Captain MICHIZAWA, also one by the name of  
17 CHISUWA, and one by the name of KAWAMURA were sent-  
18 enced to death at Yokohama as a result of happenings  
19 at Camp 1-D, Tokyo?

20 MR. FREEMAN: If the Tribunal please, I ob-  
21 ject to this question and similar questions until the  
22 prosecution produced the charge upon which these men  
23 have been convicted. The inference here is they may  
24 be convicted or defended by this person's evidence,  
25 neither of which we know anything about nor does the



1 Court know anything about.

2 THE PRESIDENT: If he answers that question,  
3 he will say, in effect, "Yes, men for whom I was  
4 responsible were sentenced to death for crimes against  
5 war prisoners."

6 Do you press the question, Colonel?

7 COLONEL MORNANE: I will withdraw the ques-  
8 tion then, if it please the Court.

9 BY COLONEL MORNANE (Continued):

10 Q Do you know how many deaths occurred at  
11 Camp 1-D, Tokyo, in the winter of 1942-43?

12 A I do not remember.

13 Q I suggest to you that in the camps under  
14 your command, from September '42 to April of '44,  
15 432 men died. As Area Commandant, didn't you find  
16 out how many men in the camps under your camp died  
17 while you were Area Commandant?

18 A Yes, I investigated every month while I was  
19 in office.

20 THE PRESIDENT: Colonel Mornane, perhaps you  
21 ought to be satisfied with the prosecution's evidence  
22 which contradicts this man, if there be any or if  
23 there will be any.

24 COLONEL MORNANE: There is certain evidence,  
25 if it please the Tribunal. There are several other

1 subject matters that I would like to open up very  
2 shortly which are not covered by other evidence.

3 THE PRESIDENT: I realize his importance.  
4 He was in charge of a camp, or camps, in Tokyo where  
5 the accused, or most of them, I suppose, resided.  
6 Those camps may or may not have been under the eye  
7 of some of the accused. I realize the importance of  
8 it, but I do not see the value of a cross-examination  
9 along these lines where you are relying on your own  
10 evidence independent of his answers.

11 I am not suggesting for one minute that any  
12 of your questions was really inadmissible, but you  
13 were right on the border line all the time.

14 COLONEL MORNANE: There is one matter, if it  
15 please the Tribunal, I would like to bring out, which  
16 has not already been proved. That is, that the accused  
17 TOJO is alleged to have visited one of the camps under  
18 his control during his regime there.

19 THE PRESIDENT: I have not prevented you  
20 from asking any questions. I am suggesting a certain  
21 course to you. Use your own judgment.

22 MR. FREEMAN: If the Tribunal please, that  
23 is the last paragraph in the affidavit. He states  
24 that TOJO visited --  
25

THE PRESIDENT: It didn't escape our attention.

1 COLONEL MORNANE: With regard to that, if  
2 the Court please, I would like to ask one question.

3 BY COLONEL MORNANE (Continued):

4 Q At the time of TOJO's visit to your camp,  
5 the death roll throughout your area was very high,  
6 was it not?

7 A I have no recollection what the death  
8 figures were at the time.

9 Q With regard to treatment of the sick, is it  
10 not a fact that the sick received only two-thirds  
11 rations?

12 A I ordered that it be reduced by one-third.

13 Q And, you received the orders to reduce them  
14 by one-third from the Eastern District Army?

15 A From the Eastern Army Headquarters.

16 Q And, when was that?

17 A That was around March, 1943.

18 Q And, at that time the accused DOIHARA was  
19 in charge of the Eastern Army, was he not?  
20

21 A Not General DOIHARA, but General NAKAMURA  
22 Kotaro, his predecessor.

23 Q His predecessor.

24 A My recollection was mistaken the other day,  
25 and so I made the mistake of saying at Sugamo the  
other day that it was General DOIHARA. That was a



1 mistake on my part, and I recall that it had been  
2 NAKAMURA instead.

3 Q Now, have you ever complained to the Prisoner  
4 of War Information Bureau because they sent men in  
5 such a condition to such a cold climate during the  
6 winter?

7 A May I have it repeated?

8 (Whereupon, the last question was  
9 repeated by the Monitor.)

10 A Yes, due to the fact that, not cold climate,  
11 but that it is during the cold season.

12 The Interpreter: Correction: "To such a  
13 cold area," not, "to such a cold climate."

14 Q And, who was the officer of the Prisoner of  
15 War Information Bureau to whom you complained?

16 A At that time it was Major General HAMADA.

17 Q Now, with regard to Red Cross goods, did you  
18 authorize your staff to take Red Cross goods supplied  
19 for the use of prisoners of war?

20 A Yes.

21 THE PRESIDENT: Mr. Freeman.

22 REDIRECT EXAMINATION

23 BY MR. FREEMAN:

24 Q Mr. SUZUKI, why did you authorize your staff  
25 to take away Red Cross supplies?

1           A    That was lack of wisdom and virtue on my  
2   part.

3           THE PRESIDENT:  You didn't expect that, Mr.  
4   Freeman.

5           Q    Mr. SUZUKI, you were asked on cross-  
6   examination relative to the reduction of the food  
7   allotment for the sick, the prisoners of war.

8           A    Yes.

9           Q    Is it not a fact that the same reduction  
10  applied to Japanese soldiers who were sick?

11          A    This was also applied to Japanese soldiers  
12  who were sick.

13          Q    Do you recall the approximate number of  
14  prisoners of war in the camps under your command  
15  from 1942 to 1944?

16          A    Yes.

17          Q    Will you give us that number?

18          A    I recall the figure as being approximately  
19  4,300.

20          Q    You signed this affidavit on the 1st of July  
21  of this year, did you not?

22          A    I have forgotten the date.

23          Q    Well, to refresh your memory, it is dated  
24  the 1st of July, 1947.

25          A    Yes.

1 Q Have you been questioned by anyone since  
2 making this affidavit?

3 A No.

4 Q You are now confined in Sugamo Prison, are  
5 you not?

6 A Yes.

7 COLONEL MORNANE: If it please the Tribunal,  
8 I object to this re-examination. I cannot see in  
9 what way it arises from the cross-examination.

10 THE PRESIDENT: The last question doesn't,  
11 at all events.

12 MR. FREEMAN: If the Tribunal please, this  
13 witness' credibility has been attacked through,  
14 apparently, an interrogation of the prosecution that  
15 they have.

16 THE PRESIDENT: You do not establish his  
17 credibility by showing he is in Sugamo Prison.

18 MR. FREEMAN: In addition to that --

19 THE PRESIDENT: The question is objected to.  
20 I am only dealing with the question objected to.

21 Q How long have you been confined in Sugamo  
22 Prison?

23 COLONEL MORNANE: If it please the Tribunal,  
24 I object to that question.

25 THE PRESIDENT: Objection allowed.



1 THE INTERPRETER: The witness replied, "One  
2 year and eleven months."

3 THE PRESIDENT: This is quite unusual. I  
4 have never known any defense counsel to try to estab-  
5 lish his witness was kept in jail or under supervision.

6 MR. FREEMAN: Without a trial, if the Tri-  
7 bunal please.

8 THE PRESIDENT: It has nothing to do with it.  
9 We are not concerned with any question of an early  
10 trial. We are sitting in judgment on the accused,  
11 not anybody else, and an early or late trial does not  
12 affect his credibility or his testimony in any way.  
13 It has no bearing on it, and you know it.

14 We will recess for fifteen minutes.

15 (Whereupon, at 1445, a recess was  
16 taken until 1500, after which the proceed-  
17 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International Mil-  
2 itary Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Freeman.

4 MR. FREEMAN: If there is no other re-cross-  
5 examination, may the witness be excused?

6 THE PRESIDENT: He is excused on the usual  
7 terms.

8 MR. FREEMAN: I next call the witness YAMAZAKI,  
9 Shigeru, whose affidavit is defense document 1696.

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1 SHIGERU YAMAZAKI, recalled as a wit-  
2 ness on behalf of the defense, resumed the stand  
3 and testified through Japanese interpreters as  
4 follows:

5 THE PRESIDENT: You are still on your former oath

6 DIRECT EXAMINATION

7 BY MR. FREEMAN:

8 Q Will you give us your full name and address?

9 A My name is YAMAZAKI, Shigeru; my address,  
10 Uwabori, Kamikawa-Mura, Chiisagata-Gori, Nagano Prefect-  
11 ure.

12 MR. FREEMAN: Will the Translation Section  
13 repeat the President of the Court's statement to the  
14 witness?

15 (Whereupon, the Japanese interpreter  
16 addressed the witness in Japanese.)

17 MR. FREEMAN: May the witness be shown defense  
18 document 1696?

19 (Whereupon, a document is handed to  
20 the witness.)

21 BY MR. FREEMAN:

22 Q Is that your affidavit and have you signed it?

23 A Yes.

24 Q Are the contents true and correct?

25 A Yes, correct.



1 MR. FREEMAN: I now offer in evidence defense  
2 document 1696.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 1696  
5 will receive defense exhibit number 3049.

6 (Whereupon, the document above re-  
7 ferred to was marked defense exhibit 3049 and  
8 received in evidence.)

9 MR. FREEMAN: I will now read exhibit 3049,  
10 beginning with the second paragraph, on page 2:

11 "2. I will make a statement as follows, on  
12 instructions, dated June 3 of the 17th year of SHOWA  
13 (1942), concerning labor-duty for officer and warrant  
14 officer prisoners of war (Exhibit No. 1961):

15 "A. These instructions were made with the de-  
16 sire of having the prisoners work voluntarily and were  
17 well-meaning taking the war prisoners' health into con-  
18 sideration, they absolutely did not have any meaning  
19 of compulsory labor.

20 "B. These instructions were issued from the  
21 Director of the War Prisoners Control Department to the  
22 units concerned, namely, the army commanders or garrison  
23 commanders who controlled the war prisoners' camps in  
24 accordance with Article III of the War Prisoners' Camp  
25 Regulation, but was not directed to the heads of the

1 war prisoners' camps themselves. Accordingly, the  
2 phrase, 'it is desired that proper guidance be rendered',  
3 at the end of the text refers to the camp heads as  
4 leaders, and does not directly point to the prisoners.

5 "C. These instructions were issued personally  
6 by the Director of the War Prisoners Control Department  
7 as an authorized matter.

8 "3. I will make a statement on the War Min-  
9 ister's instructions to the newly-appointed heads of the  
10 war prisoners' camps on June 25 of the 17th year of  
11 SHOWA (1942) (Exhibit No. 1962) and on the War Minister's  
12 instructions to the newly-appointed heads of the war  
13 prisoners' camps on July 7 of the same year (Exhibit  
14 No. 1963):

15 "A. These two instructions were made out  
16 personally by Lieutenant General KAMIMURA, the then  
17 Director of the War Prisoners' Control Department, on  
18 his own initiative;

19 "B. These two instructions were read by the  
20 above Lieutenant General KAMIMURA as proxy at the confer-  
21 ence of the heads of the war prisoners' camps at which  
22 both Minister TOJO and Vice-Minister KIMURA were not  
23 present."

24 If the Tribunal please, I have been requested  
25 to ask three questions, direct.

1 Q Mr. Yamazaki, did you attend the meetings of  
2 the commandants of prisoner of war camps on June 25, 1942  
3 and July 7 1942?

4 A Yes.

5 Q Did Lieutenant-General KAMIMURA read some in-  
6 structions on those dates?

7 A He read the instructions of the War Minister  
8 as proxy.

9 Q Can you briefly give us the substance of those  
10 instructions?

11 A Prisoners of war must be handled with justice.  
12 Do not pamper them. Do not let them eat the bread of  
13 idleness. And finally, in handling the prisoners, efforts  
14 should be made to demonstrate to the natives of the area  
15 the superiority of the Japanese.

16 MR. FREEMAN: You may cross-examine.  
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1 THE PRESIDENT: Mr. Tavenner.

2 CROSS-EXAMINATION

3 BY MR. TAVENNER:

4 Q At these conferences to which you just  
5 referred, that is, of June 25 and July 7, were the  
6 commanders of all the prison camps in attendance?  
7

8 A In my recollection, all of the prisoner of  
9 war camp commandants who met at the first conference  
10 came from Korea and Formosa, and prisoner of war camp  
11 commandants who attended the second conference came  
12 from the Philippines, Java, and Siam.

13 THE INTERPRETER: Slight correction:

14 The first conference was attended by prospec-  
15 tive prisoner of war commandants who were to go to the  
16 prisoner of war camps in Korea and Formosa, and the  
17 second conference was attended by those who were to  
18 be sent to the Philippine Islands, Java, and Siam.

19 Q Were the same instructions read and discussed  
20 at both of these conferences?

21 A Generally the same.

22 Q Were those instructions of the Prime Minister,  
23 TOJO?  
24

25 A Yes.

Q Was he present?

1           A    The Minister did not attend because he was  
2 busily pre-occupied elsewhere.

3           Q    Did those instructions direct the use of white  
4 prisoners of war for menial labor and work details in  
5 order to impress the people of the localities in which  
6 the prisoner of war camps were located with the super-  
7 iority of the Japanese over the white peoples?

8           A    Manual labor was not clearly stated or ex-  
9 pressed, but instructions were given that various  
10 measures should be taken in order to demonstrate Jap-  
11 anese superiority.

12          Q    And wasn't the idea expressed that it was  
13 intended to degrade and humiliate whites as much as  
14 possible?

15          A    Such an idea was not expressed on the text of  
16 the instructions.

17          Q    I didn't ask you what was expressed on the  
18 text of the instructions. I asked you if it wasn't  
19 discussed.

20          A    Nothing clearly was stated at that time.

21          Q    Nothing clearly? Well, state more in detail  
22 what was expressed.

23          A    Two things could be considered in order to  
24 demonstrate Japanese superiority to the natives of the  
25 locality. The first is to demonstrate Japan's moral

1 superiority to the natives by handling and treating  
2 prisoners of war justly. The other was that in the  
3 past Japanese have worshipped Europeans and Americans.  
4 However, as a result of various battles in the present  
5 war, the Japanese have come to capture white prisoners  
6 of war and have now attained the status when they would  
7 be able to use white prisoners of war, and the result  
8 was that Japanese superiority could be demonstrated to  
9 the native population by the Japanese using prisoners  
10 of war before the eyes of these natives.

11 Q By using American prisoners and Allied pris-  
12 oners of war to demonstrate superiority, it was meant  
13 to use them in connection with menial tasks and in such  
14 a way as to humiliate, isn't that true?

15 A (There was no answer.)

16 Q Please answer.

17 A Well, the result generally could be that.

18 Q You know, as a matter of fact, that that is  
19 what was intended, do you not?

20 A That was the result.

21 THE PRESIDENT: The natural result

22 BY MR. TAVENNER:

23 Q That was the natural result of the discussion  
24 that was had at those two conferences, is that not true?

25 A (There was no answer.)



1 Q Please answer.

2 A No, it was -- The intention of the War Min-  
3 ister was to demonstrate Japanese superiority.

4 THE MONITOR: The idea that no one was to  
5 eat the bread of idleness was added to this. Now,  
6 both of those together resulted in what you stated.

7 Q Your commanding officer at that time was  
8 General UYEMURA, is that correct?

9 A Yes.

10 Q And he was in charge of leading this dis-  
11 cussion before the camp commanders?

12 A Yes.

13 Q Was he very proud of this plan to use, as you  
14 say, the Allied prisoners, and was he a strong per-  
15 sonal advocate of the plan?

16 A He frequently said things to that effect  
17 during our office hours.

18 Q Who was his immediate superior?

19 A War Minister TOJO.

20 Q Now, will you tell us whether in carrying  
21 out the plan Allied prisoners were put to work at hard  
22 labor?

23 A Prisoners of war both in Japan and in the  
24 theatres of operation were used for the expansion of  
25 production in connection with the war. They were used

1 in the construction of roads and railroads and also  
2 in loading and unloading freight trains and also ships  
3 in harbors.

4 Q Then, would you classify the work as heavy  
5 labor which was done pursuant to the instructions  
6 which you have just described?

7 A Common hard labor.

8 Q Was it not such work as the coolies were  
9 usually expected to perform and did perform -- a  
10 class of work usually known as coolie labor work?

11 A Yes.

12 Q And that was done under those instructions  
13 in order to demonstrate the superiority of the Japanese  
14 over the white races, wasn't it?

15 A Rather than saying demonstrate the superiority  
16 of the Japanese, the first and primary purpose was to  
17 expand production.

18 Q You didn't tell us a word about the purpose  
19 of expanding production when you told us what the pur-  
20 pose of these instructions was.

21 A I think I said that before.

22 MR. TAVENNER: That is all, if the Tribunal  
23 please.  
24

25 MR. FREEMAN: May the witness be excused?

THE PRESIDENT: He is excused on the usual

1 terms.

2 (Whereupon, the witness was excused.)

3 MR. FREEMAN: I next offer in evidence  
4 defense document 2033, which is the army's regula-  
5 tions relative to labor of war prisoners, for  
6 identification only.

7 CLERK OF THE COURT: Defense document 2033  
8 will receive exhibit No. 3050 for identification  
9 only.

10 (Whereupon, the document above  
11 referred to was marked defense exhibit No.  
12 3050 for identification only.)

13 MR. FREEMAN: It is being offered for iden-  
14 tification only because it is largely repetitious  
15 of the 1941 regulations, with probably one exception.

16 THE PRESIDENT: Mr. Tavenner.

17 MR. TAVENNER: If the Tribunal please, ob-  
18 jection is made to the parts stated as being  
19 repetitious, which would confine the document to  
20 Article 3.

21 THE PRESIDENT: It is tendered for  
22 identification only, and should not be in our hands.

23 MR. TAVENNER: I am sorry.

24 THE PRESIDENT: I thought that Mr. Freeman  
25 intended to offer an excerpt from this document.



1 MR. FREEMAN: I do. Article 3. I offer  
2 in evidence Article 3.

3 THE PRESIDENT: You offer in evidence  
4 Article 3?

5 MR. FREEMAN: I will read Article 3.

6 THE PRESIDENT: How are we going to mark  
7 that? Let Article 3 be marked exhibit 3050-A.

8 CLERK OF THE COURT: Article 3 will be  
9 marked exhibit 3050-A.

10 (Whereupon Article 3 was marked  
11 defense exhibit No. 3050-A and received  
12 in evidence.)

13 MR. FREEMAN: I will read exhibit 3050-A:

14 "The labor to be imposed upon war prisoners  
15 shall not be too heavy, nor shall it be such a work  
16 as to disgrace the positions, military or civil,  
17 which they hold in their country or relates directly  
18 to the plan of operations against their country."

19 I next offer in evidence defense document  
20 2007, which concerns improvement of POW administra-  
21 tion and the use of POW's for labor.

22 MR. TAVENNER: If the Tribunal please,  
23 rule 6-b has not been complied with, with reference  
24 to this document, but we waive it. In waiving it,  
25 however, I desire to point out the importance of

1 will receive exhibit No. 3051.

2 (Whereupon, the document above  
3 referred to was marked defense exhibit No.  
4 3051 and received in evidence.)

1 MR. FREEMAN: I now read into evidence  
2 exhibit 3051:

3 "Re Improvement of POW Administration.

4 "(March 3, 1944)

5 "Notice from the Vice-Minister of War to  
6 the Units concerned.

7 "In the POW administration the use of POWs  
8 for labor has been stressed heretofore. Although this  
9 has directly helped to increase our fighting strength  
10 and has produced other good results, the average POWs  
11 health condition is hardly satisfactory due to the  
12 inevitable shortage of materials, etc. Their high  
13 rate of death must be brought to our attention. In  
14 the light of the recent intensified enemy propaganda  
15 warfare, if the present condition continues to exist,  
16 it will needlessly for the hostile feeling of the  
17 enemy and it will also be impossible for us to expect  
18 the world opinion to be what we wish it to be. Such  
19 will cause an obstacle to our prosecution of moral  
20 warfare. Not only that, it is absolutely necessary to  
21 improve the health condition of POWs from the standpoint  
22 of using them satisfactorily to increase our fighting  
23 strength. In view of these facts, you are requested  
24 at this time to deal, in accordance with the following,  
25 in regard to prompt improvement of the health conditions



1 of POWs. I hereby give instructions.

2 "It should be added that, although efforts  
3 must be exerted to utilize spaces on ships in trans-  
4 porting war prisoners, it is necessary that, the  
5 purport of the Despatch, Army Asia Secret No. 1504  
6 of 1942, (Its copy hereto attached) is thoroughly  
7 understood in handling war prisoners at this juncture.

8 "1. Foods and clothings to be supplied to  
9 POWs should be given according to the degree of their  
10 labor as provided in various regulations.

11 "2. Dispensaries for the POW camps (branch  
12 camps or detached camps should be equipped with proper  
13 facilities for medical treatment and the main camps  
14 should be equipped with attached medical wards of  
15 reasonable standard) should be immediately established  
16 to give satisfactory treatment for the patients among  
17 POWs. For this purpose, the necessary funds, materials  
18 and sanitary supplies should be procured or delivered  
19 upon each request.

20 "3. Not only efforts should be made to fully  
21 facilitate the sanitary work by using the medical per-  
22 sonnel among the enemy, but also, if particularly needed,  
23 such measures as requesting the War Minister to have  
24 Army hospital medical officers or medical officers  
25 attached to units serve concurrently at the POW camps

1 should be taken. Thus the medical care for the POWs  
2 can be more solidly administered.

3 "4. In order to increase the rate of  
4 laboring POWs statistically, to use sick POWs in need  
5 of rest or to assign heavy labor tasks to patient  
6 workers or to physically weak must be avoided. Thus,  
7 attention should be paid to the sanitary care of  
8 POWs. Moreover, consideration must be given to the  
9 physical condition of each individual POW in the  
10 light of local climate and if necessary individuals  
11 should be confined in different places alternately  
12 or transferred so as to increase substantially their  
13 efficiency in labor.

14 "5. As to the domestic matters of POWs,  
15 their health, especially their relaxation, must be  
16 considered so long as the security and control permit  
17 from the standpoint of the administration of POWs.  
18 This will increase their efficiency in labor.

19 "6. If the health condition of POWs gets  
20 worse due to an inadequate care on the part of their  
21 employer, an order of suspension or restriction of  
22 the employment of POWs will be issued, so it is request-  
23 ed that the situation be reported."  
24

25 As I have just stated, Mr. Roberts now will  
present documents relative to the navy concerning POWs.

1 THE PRESIDENT: In the first paragraph of  
2 that document appears the sentence, "Their high rate  
3 of death must be brought to our attention." We would  
4 like Major Moore to advise us as to whether that is  
5 a correct translation.

6 Yes, Mr. Roberts.

7 MR. ROBERTS: We call the witness YAMAMOTO,  
8 Chikao.

9 - - - -

10 C H I K A O Y A M A M O T O, recalled as a witness  
11 on behalf of the defense, having been previously  
12 sworn, testified through Japanese interpreters as  
13 follows:

14 THE PRESIDENT: You are still on your former  
15 oath, Witness.

16 DIRECT EXAMINATION

17 BY MR. ROBERTS:

18 Q May the witness be shown defense document 1897?

19 Please examine this document and tell us  
20 whether or not it is your affidavit.

21 A This is my affidavit.

22 Q Is it true and correct?

23 A I should like to make a correction.

24 Q All right, tell us what page, what paragraph.

25 A The correction occurs in the middle of the



1 first page in the English text where it says "Rear  
2 Admiral." I should like to change "11th Air Squadron"  
3 to read, "72d Air Squadron." The other change I  
4 should like to make is to be made on the last line  
5 of page 1 in the English text to read that, "I was  
6 also commandant of the 72d Air Squadron," following  
7 the "11th Air Squadron."

8 That is all.

9 Q Otherwise it is true and correct?

10 A Yes.

11 MR. ROBERTS: I offer in evidence defense  
12 document No. 1897.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please,  
15 objection is made to the introduction in evidence of  
16 the entire page 9 and down to the question and answer  
17 at the end of the affidavit on page 10. The objection  
18 is based upon the fact that in addition to the  
19 directive not being presented or otherwise accounted  
20 for it itself is not described in a way in which we  
21 can identify it. On those grounds we lodge our  
22 objection.

23 MR. ROBERTS: If it please the Court, this  
24 refers to the complete orders issued by Imperial  
25 Supreme Headquarters and we have filed with the clerk

1 a copy of the orders which are contained and  
2 included therein and that would be included in  
3 defense documents 2208, 1940, 1941, 1943 and 1943-A,  
4 1944 and the certificate 2294 as to the loss of  
5 other documents mentioned in defense document No.  
6 1940 as an annex. It is intended to offer all these  
7 documents in evidence after the reading of the  
8 affidavit.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: If the Tribunal please, it  
11 may be that cross-examination would be desired on  
12 the matters set forth in these pages and if counsel  
13 will give us the proper description of the paper  
14 lodged with the clerk which contains a description  
15 of these matters we would like to examine it.

16 THE PRESIDENT: Is Major Moore ready yet?

17 We will deal with this affidavit on Tuesday  
18 morning. In the meantime, Major, you might tell us  
19 what you have there.

20 LANGUAGE ARBITER (Major Moore): Referring  
21 to exhibit 3051, paragraph 1, the words, "Their high  
22 rate of death must be brought to our attention," is a  
23 correct translation of the Japanese.

24 THE PRESIDENT: Between now and Tuesday  
25 morning, Mr. Tavenner, you will have an opportunity

1 to look at those papers, we hope.

2 We will adjourn now until nine-thirty o'clock  
3 on Tuesday morning next.

4 (Whereupon, at 1555, an adjournment  
5 was taken until Tuesday, 2 September 1947, at  
6 0930.)

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